

By Mrs. MINK:
H.R. 4511. A bill for the relief of Crisologo Redondo Campos; to the Committee on the Judiciary.

By Mr. MONAGAN:
H.R. 4512. A bill for the relief of Mr. and Mrs. Joseph D. Hilbert; to the Committee on the Judiciary.

By Mr. MORSE:
H.R. 4513. A bill for the relief of Rocco DeClants; to the Committee on the Judiciary.

H.R. 4514. A bill for the relief of Benedetto Dimaggio; to the Committee on the Judiciary.

By Mr. NIX:
H.R. 4515. A bill for the relief of Vincenzo Argiro, his wife, Anna Maria Argiro, and their minor children, Natalino Argiro, Aldo Argiro, and Concetta Argiro; to the Committee on the Judiciary.

H.R. 4516. A bill for the relief of Maria La Valle Arrigo; to the Committee on the Judiciary.

H.R. 4517. A bill for the relief of Eulogio Navasca Bayna, and his wife, Ligaya Nicanor Bayna; to the Committee on the Judiciary.

H.R. 4518. A bill for the relief of Raquel Fainsztein; to the Committee on the Judiciary.

H.R. 4519. A bill for the relief of Dr. Giorgio Ingargiola; to the Committee on the Judiciary.

H.R. 4520. A bill for the relief of Clifton Oliver Johnson; to the Committee on the Judiciary.

H.R. 4521. A bill for the relief of Rosalinda Misagal; to the Committee on the Judiciary.

H.R. 4522. A bill for the relief of Patrocino Morales and his wife, Divina Morales; to the Committee on the Judiciary.

H.R. 4523. A bill for the relief of Gaetano Nazzareno Pellicciotta and his wife, Teresa Pellicciotta; to the Committee on the Judiciary.

By Mr. PELLY:
H.R. 4524. A bill for the relief of Philip D. Jang; to the Committee on the Judiciary.

H.R. 4525. A bill for the relief of Kam Oy Jung; to the Committee on the Judiciary.

H.R. 4526. A bill for the relief of Henry Louie; to the Committee on the Judiciary.

By Mr. PEPPER:
H.R. 4527. A bill for the relief of Milton Sang; to the Committee on the Judiciary.

By Mr. PODELL:
H.R. 4528. A bill for the relief of Antonio Arena, his wife, Anna Arena, and their daughter, Anna Nicoletta Arena; to the Committee on the Judiciary.

H.R. 4529. A bill for the relief of Gaetano Favuzza and his wife, Tommasa Favuzza; to the Committee on the Judiciary.

H.R. 4530. A bill for the relief of Mariano

Scavuzzo; to the Committee on the Judiciary.

H.R. 4531. A bill for the relief of Amnon Kahane and his wife, Gaila (Paritski) Kahane, and their two minor sons, Hillel Kahane and Lior Kahane; to the Committee on the Judiciary.

H.R. 4532. A bill for the relief of Giovanni Tavano and his wife, Natalina Tavano; to the Committee on the Judiciary.

By Mr. RODINO:
H.R. 4533. A bill for the relief of Dimitrios P. Tassios; to the Committee on the Judiciary.

By Mr. ROONEY of New York:
H.R. 4534. A bill for the relief of Angelo DiStefano; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:
H.R. 4535. A bill for the relief of Herbert Chan, Szeto Wing Ha Chan, and son, Frank Chan; to the Committee on the Judiciary.

H.R. 4536. A bill for the relief of Mrs. Ana Horvat and children, Josephine and Ksenija Horvat; to the Committee on the Judiciary.

H.R. 4537. A bill for the relief of Efsthathos (Stephen) Kaunopoulos; to the Committee on the Judiciary.

H.R. 4538. A bill for the relief of Michael F. Mouzakis; to the Committee on the Judiciary.

H.R. 4539. A bill for the relief of Dr. Angelo Zosa; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:
H.R. 4540. A bill for the relief of Nicola and Maria Lerario, Vincenza Lerario Favla and Luigi Lerario; to the Committee on the Judiciary.

H.R. 4541. A bill for the relief of Mrs. Helena Wojcik; to the Committee on the Judiciary.

By Mr. ROYBAL:
H.R. 4542. A bill for the relief of Estrella B. Viray; to the Committee on the Judiciary.

By Mr. ST. ONGE:
H.R. 4543. A bill for the relief of Vuong Thi Bick Tuan; to the Committee on the Judiciary.

By Mr. SANDMAN:
H.R. 4544. A bill for the relief of Fortunato Armindo Arias-Maldonado; to the Committee on the Judiciary.

H.R. 4545. A bill for the relief of Francesco Costanzo; to the Committee on the Judiciary.

H.R. 4546. A bill for the relief of Anna Del Baglio; to the Committee on the Judiciary.

H.R. 4547. A bill for the relief of Pietro and Gabriella Bianco; to the Committee on the Judiciary.

H.R. 4548. A bill for the relief of Michele Bovenzi; to the Committee on the Judiciary.

H.R. 4549. A bill for the relief of Dr.

Paulino A. Claridades and Dr. Lydia A. Claridades; to the Committee on the Judiciary.

By Mr. SCHEUER:
H.R. 4550. A bill for the relief of Henry Joseph Condron; to the Committee on the Judiciary.

By Mr. SULLIVAN:
H.R. 4551. A bill for the relief of Dr. Delfina M. D'Alto; to the Committee on the Judiciary.

By Mr. TALCOTT:
H.R. 4552. A bill for the relief of Carl Aiello; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:
H.R. 4553. A bill for the relief of A. J. Fredrickson; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:
H.R. 4554. A bill for the relief of Dr. Sin Sang Yang; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:
H.R. 4555. A bill for the relief of Mrs. Tullio Zanella Cacioppo; to the Committee on the Judiciary.

H.R. 4556. A bill for the relief of Mihalj Mesaros, his wife, Rozalija, his daughter, Liofara, and his son, Robert; to the Committee on the Judiciary.

By Mr. VANK:
H.R. 4557. A bill for the relief of Peh-An Chang; to the Committee on the Judiciary.

By Mr. WHEALLEY:
H.R. 4558. A bill for the relief of Gordon Pak Man Gartner-Chan; to the Committee on the Judiciary.

H.R. 4559. A bill for the relief of Rosa Marigliano; to the Committee on the Judiciary.

By Mr. WILLIAMS:
H.R. 4560. A bill for the relief of Sa Cha Bae; to the Committee on the Judiciary.

By Mr. WYMAN:
H.R. 4561. A bill for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired); to the Committee on the Judiciary.

H.R. 4562. A bill for the relief of Cosimo Damiano Ranauru; to the Committee on the Judiciary.

PETITIONS, ETC.

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

32. By the SPEAKER: Petition of Jesse Earl Brown, Atlanta, Ga., relative to redress of grievances; to the Committee on the Judiciary.

33. Also, petition of Henry Stoner, Portland, Ore., relative to the right to petition; to the Committee on the Judiciary.

34. Also, petition of Arlie K. Rudel, Sterling, Colo., relative to salary increases; to the Committee on Post Office and Civil Service.

SENATE—Thursday, January 23, 1969

(Legislative day of Friday, January 10, 1969)

The Senate met in executive session at 11 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Almighty God, who has made and preserved us a nation, prosper the consultations of these Thy servants for the honor, safety, and welfare of this Nation and all mankind. Keep us from easy discouragement or weariness, from giving up or giving in too soon.

Grant us this day the grace which is generous, the determination which is steadfast in decision, the perseverance

which endures in all that is good and pure and true.

Through Jesus Christ, our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, January 22, 1969, be approved.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the

Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore 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.)

DEPARTMENT OF THE INTERIOR

The Senate resumed the consideration of the nomination of Walter J. Hickel, of Alaska, to be Secretary of the Interior.

Mr. MANSFIELD. Mr. President, I turn over the time allotted to me to the distinguished Senator from Utah (Mr. Moss).

Mr. MOSS. Mr. President, I understand that we are now operating on controlled time.

The ACTING PRESIDENT pro tempore. The Senator is correct. How much time does the Senator yield?

Mr. MOSS. I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 15 minutes.

Mr. MOSS. Before I begin, I should like to suggest the absence of a quorum, in order to let absent Senators know that we have started this discussion.

The ACTING PRESIDENT pro tempore. To whom is the time to be charged?

Mr. MOSS. To my time.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MOSS. Mr. President, yesterday the Senate engaged in what I consider a historic debate concerning the qualifications of a nominee of the President of the United States to assume the office of Secretary of the Interior. I listened attentively to the debate because, as a member of the Committee on Interior and Insular Affairs, I heard the testimony of the nominee and others before that committee, and I asked some questions during the hearings; and I thought I had better listen to the comments of my colleagues on the floor. I heard most of the debate that took place yesterday, and I have had an opportunity to scan the RECORD this morning to fill myself in on portions I did not hear because of my absence from the Chamber for a time. Today we are beginning the final discussion, because we have agreed to controlled time.

I believe we all agree that this matter should be disposed of without further delay. If Governor Hickel's nomination is to be confirmed, certainly he should get on with the job and there should not be a hiatus. In some ways, it is regrettable that we must have any delay at all. On the other hand, I believe the tenor of the speeches in the Senate and the information divulged during the hearings before the committee indicate that some very grave doubts remain about the qualifications of the nominee.

I wish to say, in advance, that my doubts have never centered on the integrity, the honesty, or the innate ability of Governor Hickel. My questions have arisen simply as to his philosophy and his understanding of the position he is about to assume—if he is confirmed by the Senate—and stems from the fact that in his responses, he did not exhibit to me what I felt was a comprehension of the position he had to take over and the position he would have to maintain. What I heard yesterday did not change my mind, so I shall vote today in the Senate, as I did in the committee, against confirmation of the nomination of Gov-

ernor Walter J. Hickel to be Secretary of the Interior.

I do this with some regrets, because, as was said frequently in the Chamber yesterday, a President, particularly an incoming President, should have wide latitude in the selection of the members of his Cabinet. As a general proposition, I support this view. The President selects those who are to work with him and under his direction. He must depend upon them to do certain things, and ultimately he will take the responsibility for the acts of his Cabinet members. As a former President once said, "The buck stops here," speaking of the President's office; and certainly the President will assume the ultimate responsibility for acts that are taken by Cabinet members. Therefore, he should be given very wide latitude in his selection. But this does not detract from the constitutional obligation of the Senate to examine his nominations with care. If we simply rubberstamp through every name the President submits, then the words of the Constitution are a futility, and we simply are shadowboxing.

Consequently, I have given much thought and attention to the 4 days of testimony at the hearings and the previous statements that have been made by Governor Hickel, together with the debate in the Senate yesterday, and it is my considered opinion that the nominee does not now possess the needed qualifications for this office. Let me stress again that I do not question his integrity. My opposition is neither personal nor political, but is based solely on the questions of what I consider national interest.

For example, time and again before our committee Governor Hickel assured the committee that he would do what the committee wanted done in relation to many decisions he would have to make as Secretary of the Interior. Of course, this is reassuring to the committee to a degree, because we all feel that we know what should be done, and we are all flattered to be consulted and to be told that the Secretary would not move without consulting the committee.

But I submit that it raises a question as to just what the assurance given by Governor Hickel can mean. First, he is a member of the President's Cabinet, and he is not always free to do what the committee wants, even if he wants to do so. He is, after all, the President's man. His loyalty must be to the President who appointed him. Moreover, his decisions must be submitted to the Bureau of the Budget in most instances. They certainly have to be submitted to the White House or some arm of the President before they can be submitted to Congress if they are decisions that come within the purview of Congress.

The policies of this administration concerning conservation and natural resources are not yet clear, and under these conditions Governor Hickel's assurance may mean very little. I refer to his assurance of submitting to the committee matters that will come up for him to decide.

The Committee on Interior and Insular Affairs speaks for the Congress only to a limited degree, and on some issues it

may be impossible for the Secretary to determine what Congress wants. The committee itself may be divided. Most committees do have divisions within the committee. By saying that a proposition is going to be submitted to the committee, it is meant that the proposition is to be submitted only to the chairman or to the entire committee? If it means the entire committee, it is going to be a consensus decision as to what the committee itself might be divided; and it might stretch out for a long period of time trying to get an answer or a consensus from the committee.

In the hearings and discussions on the nomination of Governor Hickel the views of the House Committee on Interior and Insular Affairs have not been heard. We must remember that Governor Hickel appeared only before the Senate committee. This is so because only the Senate is involved in the confirmation of Cabinet appointments and consequently this procedure was inevitable. However, the views of the House committee are of as great importance as those of the Senate committee in establishing the position of Congress on conservation and resource development.

Beyond these considerations, in the view of Congress any Secretary of the Interior must take a position and initiate action on many highly controversial questions. In some substantial segments of the community Congress may be strongly opposed to any view he takes, no matter which side of the issue he comes out on.

Moreover, environmental problems become more complex and of more significance with every passing year. As the Senate knows, I do not believe we are keeping pace with the momentum of resource deterioration imposed by our expanding population and our mounting production of goods. That is why I advocate substantial changes in the organization of the Federal departments which manage resources. We are falling behind in the development of water resources. We have failed thus far to appropriate enough money to construct water pollution abatement works at a rate that will clear up our contaminated lakes and streams. Examples of this kind could be multiplied almost endlessly.

The vital interests of this Nation require a redoubled effort, wisely to develop and conserve actual resources upon which life itself, as well as the prosperity of the United States, depends.

Believing Governor Hickel to be a man of integrity and ability, it nevertheless is my firm conviction that President Nixon should have made use of his talents in a position to which he was more fitted by experience and by viewpoint. However, the question is before us, the nomination has been made, and, therefore, it must be measured by the position he would hold as Secretary of the Interior.

One thing that troubled me in committee, which I do not believe was discussed on the floor of the Senate yesterday, I would like to point out in emphasizing my point that I did not think that Governor Hickel had a real comprehension of the magnitude or philosophy of

the position he is to undertake. This was brought out by the questions I asked him about his trust agreement.

As the Governor of Alaska, he entered into what he called a trust in regard to his personal assets in the State of Alaska. That trust, he said, was still in effect until he terminated his duties as Governor of Alaska. He, of course, stated before the committee that he would place in trust his assets while he is Secretary of the Interior, if he is confirmed. However, our examination of Governor Hickel in committee indicated that what he called a trust in Alaska was not a trust at all. It was really a power of attorney and the manager for his properties and he consulted on it at regular intervals, or maybe it was irregular intervals; but he consulted with his trustee who was really the manager of his property. He intervened at times with respect to decisions on what should be done, and in so doing his trust amounted to simply a convenience for someone else to have some of the managerial duties.

Governor Hickel responded that he understood that the trust he would enter into, assuming he becomes Secretary of the Interior, would exclude him from managerial decisions and, indeed, his trust would be irrevocable during the term of his office and during that period of time he could not make any decisions as to his personal assets.

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

Mr. MOSS. Mr. President, I yield myself 5 additional minutes.

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

Mr. MOSS. Mr. President, it seems to me and, of course, we assume, that what Governor Hickel responded will be the case. He will enter into an irrevocable trust. He will not be involved in the management of the property. But the fact that he set up and had a trust as Governor, showed that he understood what was required of a public officer; but it indicated to me that he did not have a conception of what he would have to do with his assets if he became Secretary of the Interior.

The committee has gone into this matter. He made an agreement to divest himself of certain interests that might present a conflict of interest as Secretary of the Interior; but it will mean an entirely different situation to Governor Hickel if he becomes Secretary of the Interior. It underlines again to me his lack of understanding and appreciation that he, as Secretary of the Interior, and a member of the President's Cabinet, is the prime officer of the United States charged with the management of our natural resources. This means the preservation of our environment. During the last 6 to 10 years in this country there has come a great awakening in this area. We must look to the Secretary of the Interior to be a militant guardian of the environment. He must understand that the problems he faced in Alaska, while they are relevant, are now multiplied many, many fold because this new position takes in the entire United States, and it also takes in the heavily populated

areas of our country and the areas now suffering the greatest impairment of the environment that must be restored.

In so doing he must be a strong leader because, of course, the economic pressures and the pressures of past precedents for utilizing, despoiling, and grabbing various of our natural resources for economic reasons not be concerned with preservation of the purity of our air, water and lands, bear very strongly against policies he must follow as Secretary of the Interior.

Let me say, finally, that I think Governor Hickel may well develop into a good Secretary of the Interior. I certainly hope that he will. If he is confirmed by the Senate today, as it would appear that he will be, then I want to cooperate in every way with him that I can. I certainly hope that no one feels there is any trace of personal animosity in the position I felt I must take. I hope that he will grow into the job, as many men do. He is a man of ability. He made a great mark in the business field before he became Governor of the State of Alaska. Perhaps, as he assumes this obligation, he will come to this realization, but on the present basis of the record, I must cast my vote against confirmation of Governor Hickel to be Secretary of the Interior.

Mr. ALLOTT. Mr. President, I yield 3 minutes to the Senator from North Dakota (Mr. Young).

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 3 minutes.

Mr. YOUNG of North Dakota. Mr. President, I have been following quite closely the rather lengthy questioning of Gov. Walter Hickel, with reference to the confirmation of his nomination as Secretary of the Interior. In view of the objections made by some groups and individuals, this questioning was appropriate.

I can find nothing in these hearings, however, that would in any way disqualify him, or cause me to oppose his confirmation. As a businessman and Governor of Alaska, Governor Hickel has demonstrated that he is an able, conscientious, and highly competent person. Since Alaska is the biggest State in the Union, with most of the same problems that he will encounter as Secretary of the Interior, I think he is uniquely qualified for this high position.

Alaska has many Indians, Eskimos, and Aleuts. I know of nothing in Governor Hickel's record, in working with these people, and helping them, that is adverse in any way.

Alaska has a huge amount of Government-owned land. Oftentimes this presents problems, and especially in the case of Alaska in its development as a State.

Governor Hickel's intimate knowledge of Alaska, with its vast forests, rich with wildlife, and its tremendous mineral deposits and recreational resources of all kinds, particularly qualifies him for this important assignment as Secretary of the Interior.

Mr. President, I have visited with Governor Hickel and I find him to be very personable, intelligent, and the kind of a person I believe the people of this country would like to work with as Secretary of the Interior.

Mr. President, for these and many other reasons, I will vote to confirm the nomination of Gov. Walter Hickel as Secretary of the Interior.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. JACKSON. Who controls the time supporting this nomination?

The PRESIDING OFFICER. The Senator from Colorado (Mr. ALLOT) and the Senator from Utah (Mr. MOSS).

Mr. JACKSON. I thank the Chair.

Mr. MOSS. Mr. President, I yield 5 minutes to the Senator from Indiana (Mr. HARTKE).

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

Mr. HARTKE. Mr. President, the Senate recognizes that conservation, water, and wildlife areas are legitimate objectives of the Department of the Interior.

I personally will continue to cooperate with President Nixon whenever I believe he is acting in the best interests of all the people. To that end, I have voted to confirm the 11 members of his Cabinet, and have just returned from the Finance Committee where I voted to endorse two of his sub-Cabinet members for the Treasury Department.

However, frankly, I cannot support Governor Hickel for the position of Secretary of the Interior, I believe that he would be miscast as Secretary of the Interior. The Secretary of the Interior must lead in the field of conservation. That duty may not be included in the Secretary's job description, but leadership in the field of conservation has rested with the Interior Secretary. Governor Hickel does not appear, on the record, so far, to have what I would call the "conservation spirit."

His conflicting statements cause me to wonder just what he does believe about conservation. Shortly after he was nominated, he spoke out against "locking up public lands for any special purposes," and he was critical of the conservation policies which we have pushed forward in a bipartisan spirit in the Senate.

He said he thought "we had a policy of conservation just for conservation purposes." But, in his apparent eagerness to gain Senate approval, Governor Hickel has now reversed himself on many of his earlier statements. His unclear position causes me to wonder whether he favors development that will benefit all the people and not just a few. The development and control of the natural resources of the whole Nation will have a major effect on the future of this country and to the future of my State of Indiana.

Mr. President, the Secretary of the Interior must take a look at the Great Lakes region, the Wabash River, the Ohio River, and the wooded areas that must be developed for the benefit of all citizens of Indiana. I believe that finally we have given conservation the attention it requires. To maintain the momentum of the conservation movement, we need a true conservationist as Secretary of the Interior. Governor Hickel is not that man.

This country seems to have developed

a massive capacity for doing things in the nature of promoting the materialistic part of life. We Americans have promoted the mass movement for loving mother which is, of course, promoted by the sellers of gifts. We also have the mass movement for the appreciation of dad. We have another mass movement for remembering the dead. We have the movement for cleanup week, where everyone buys paint and lumber. We have garden planting week with all sorts of advertisements from people who want to sell shrubbery. We have special weeks for careful driving—even though we are still killing in excess of 50,000 Americans every year. All we have done, it seems to me, is to add to the barrenness of life, instead of developing a life of enthusiasm for the beauty there is in life.

I believe that we must add sweetness, warmth, and grace to our national life, and try to make it more fluid, instead of taking off the glow, as though America were interested only in the material side of life. As Americans we should have real love of beauty and of nature and its many blessings.

Mr. President, I believe that Governor Hickel would be miscast for this part. It would be much better to find someone else who can take such a role and get America rolling in its totality in the field of conservation.

Mr. President, it is with some hesitancy that I would want to oppose any Presidential nomination. I do intend to oppose the nomination, but I would have preferred that the President nominated someone else to this position.

Mr. JACKSON. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, to clarify the record, I want to point out that the committee did not require Governor Hickel to enter into an irrevocable trust or any other type of trust for the management of his assets. The committee requirements are set out in his letter of January 19, 1969, to the committee. I shall read it into the RECORD, even though it was placed in the RECORD yesterday. For the purpose of clarification, I think it should be repeated.

DEAR SENATOR JACKSON: Based on the decision of your Committee, I will accomplish the following within a reasonable time and not later than six months after taking office:

(1) My stock in Transamerica Corporation, Alaska Interstate Company, and Wakefield Seafoods, Inc., will be sold.

(2) To the extent that I may have an interest in the placer mining claims and Koslosky Development Company, referred to in my letter to you of January 19, I will sell, quit-claim, or relinquish the same.

(3) Mountain Mining Company will be dissolved and its sole asset distributed to the shareholder, La Vake Renshaw.

In addition to the above, I have under active consideration the divestiture of all assets except undeveloped real estate and those relating to the hotel, motel, and shopping center business.

Any assets located through the continuing efforts of my counsel and accountants will be reported to you and, where appropriate, promptly divested.

Sincerely yours,

WALTER J. HICKEL.

The point is, Mr. President, all that the committee asked was that he undertake the necessary steps to implement the policy decisions of the committee on real and potential conflict-of-interest problems. This he agreed to, in accordance with his letter. That can be done either by a trust arrangement, by a management contract, or by other appropriate arrangement, but there was no requirement of an irrevocable trust. I do not think the terminology has any magic in it. The point we were making was that, to protect the public interest and to protect his own integrity as Secretary of the Interior, he should undertake the steps just referred to in the letter.

I believe we have gone further in connection with this nomination than we have gone in connection with any other nomination that I can recall in recent history.

One other observation in connection with the trust agreement Governor Hickel entered into when he became Governor: It should be pointed out that, under Alaska law, such an arrangement was not required by law. One can argue about what constitutes a trust agreement, or a power of attorney. But I am not concerned about definitions. The point is, he was not required to enter into a trust agreement. He, nevertheless, did enter into an agreement to divorce himself from the operations of his business, and he had a lot of business. I think that point is paramount in this debate and discussion. I say it in fairness to Governor Hickel.

I want to conclude by saying that, as chairman of the committee, I can report that he has complied fully and in good faith, as far as the committee is concerned, with every suggestion and every request we made in connection with any matter relating to a possible or potential conflict of interest.

Mr. MOSS. Mr. President, I yield myself 3 minutes on this point.

I am sure the chairman of the committee made it clear that it was not a mandatory requirement of the committee that Governor Hickel put in trust his assets, but the Governor himself volunteered. I would like to read just two of his answers to the questions I asked during the hearing.

I said:

Getting back to the trust that you proposed to set up, if confirmed as the Secretary of the Interior, is it your understanding that this would be a genuine trust, in which you would really have no power at all to intervene in any of the affairs of the trust? Governor HICKEL. I understand.

Senator MOSS. It is irrevocable during the period that you hold office, and that your trustee makes all of the decisions without any reference to you?

Governor HICKEL. Yes; I understand that. Sure, if it is the wish of the committee for me to sell whatever they want me to sell, or make the kind of a trust that is going to have to be acceptable to you, and whatever that is, I will do it.

So the Governor himself had said that he had had a trust as Governor and that he was going to have his affairs in trust while he was Secretary of the Interior. What we explored was whether it would be the kind of trust in which he would not intervene and would not have con-

trol of his property and assets, as he was able to do with the kind of trust he had while he was Governor of Alaska.

Mr. ALLOTT. Mr. President, I yield myself such time as I may need.

I again want to bring all of these things in context. I call the attention of the junior Senator from Utah (Mr. Moss) to the fact that he was a member of the Interior and Insular Affairs Committee at the time of the confirmation of Mr. Kelly's nomination. I have raised this matter only to bring the whole subject matter within perspective, because Mr. Kelly did act as Assistant Secretary for Minerals. I state again, as I have on at least a dozen occasions, he performed that job with credit to himself, to the Government and to his State. The Senator from Utah voted to confirm Mr. Kelly.

As appears on page 4 of the hearings, I asked Mr. Kelly this question:

Senator ALLOTT. Now, you have stated that it is your intention to continue to operate your business as a driller—at least operate a drilling and exploration business with respect to State owned—leases that you own which are leased from the State of New Mexico?

Mr. KELLY. I operate as an individual mainly, Senator, and my holdings include State, Federal, and fee lands. I will dispose of my holdings on Federal lands, and will continue the operations of the holdings on State and fee lands.

My staff in New Mexico will continue to operate those holdings as they are doing now.

The other end of his business he put into a trust. He conveyed his stock in Elk Oil Co., to his minor children, and appointed as guardian thereof his own personal attorney, a Mr. Jennings.

We questioned him. The whole questioning of Mr. Kelly and the whole hearing occupied less than 11 pages. I think I would like to read into the RECORD one thing said at that time, which appears on page 10:

Senator ALLOTT. I think we have a typical example of a situation which arises. If Mr. Kelly came up here for appointment he would probably have to come up here under one of two situations, either having a minimum of background which would very doubtfully qualify him, or come up as he does with a wealth of background which undoubtedly qualifies him. And we all are interested in this question of interest and conflict of interest. I suppose the point could be made that the custodian of the Elk Oil Co. stock is his personal attorney. I do not regard the matter in this way. I do not think that the Congress can enact laws which are going to keep dishonest men from avoiding the law and taking advantage of the law. I personally feel that he takes this office with the idea that he is going to do it in an objective and fair way. But it seems to me that the best criteria that the Congress can take with respect to these people is that, having divested themselves of the main interest to the best of their ability, that then we hold them to the strictest standards of their office. I am sure that Mr. Kelly will do so, and I am sure that he knows that this is the attitude of the committee.

Now, Mr. President, I think we have here a similar situation. The distinguished chairman of the committee has covered it very fully. Governor Hickel has fled with the committee, and we have had an opportunity to examine, not

only the trust agreement that he had while he was Governor—which he was not obliged to make, but in which he turned over the management of his business to trustees—but we have the proposed agreements in this case.

Mr. President, unless some Senator should seek to invoke the rule—I hope none will—I wish to continue a few moments longer.

As I have looked at this matter, I believe the reasons people have given for their opposition fall into three categories:

Some say that he does not understand conservation. I think the remarks of the distinguished senior Senator from Alaska yesterday, and the information placed in the RECORD, show that on the contrary, he has a greater sense of conservation and preservation of natural resources than almost anyone I can think of. Surely any State would be proud to have had a Governor who had exerted the efforts that he has to protect its natural resources. I shall not review those efforts again, because they are all in the RECORD.

Second, he has been described as having had ties too close to the oil and gas interests to be objective.

Let us put this to rest once and for all. In the Pearson column, it was alleged that Mr. Robert O. Anderson paid a visit to Mr. Nixon, I believe at the Hotel Pierre in New York, urging the appointment of Mr. Hickel, and that he was seen coming down the service elevator of the hotel.

There is a telegram in the hearing record at page 177 from Mr. Anderson, addressed to me, furnished at my request, in which he stated as follows:

Confirming our conversation of this afternoon regarding certain allegations in Drew Pearson's column of December 23, 1968 and subsequently, I wish to confirm my statement that these allegations are completely without fact.

I have not seen or talked to President-Elect Nixon since the November election, and am completely mystified about how such a statement could have been made. Mrs. Anderson and I have an apartment in New York at the Hotel Pierre, and I can only assume that there has been some confusion regarding identity. Furthermore, I am not given to riding freight elevators.

Best wishes.

ROBERT O. ANDERSON.

To clear this matter more fully, he has never been engaged in the oil business as such. He did have some oil leases. Those were all terminated before he was Governor of Alaska. His interests in those all expired before he became Governor, and the only interest that he has now, which is a very remote one, and of which he has agreed to divest himself, is the Koslosky overriding royalty of 1 1/4 percent. He has one seventy-eighth of 1 1/4 percent, and of this he has agreed, before the committee, to divest himself. I might add, that this is not a producing property and never has been.

In an attempt to squelch once and for all these continuous and repeated statements, which are made without any basis in fact, I ask unanimous consent to have printed in the RECORD a list of all of the activities in this area to which he has been a party.

There being no objection, the list was

ordered to be printed in the RECORD, as follows:

WALTER J. HICKEL, HICKEL INVESTMENTS, AND ERMALEE HICKEL OIL LEASES OR APPLICATIONS

State of Alaska lands: One non-competitive, lottery-type lease covering 4 sections, 2560 acres, issued May 1, 1962, terminated May 1, 1965, due to nonpayment of rental.

Federal Lands in Alaska: One lease was issued on April 11, 1956 (A-025122), a portion of that lease was segregated and a new lease was issued on June 12, 1962, (A-058593)—both the original and the segregated lease were terminated on March 31, 1963.

Lease Applications: Ermalee Hickel filed lease offer A-030906 on 1,385 acres on July 28, 1955. The application was rejected and file closed on October 17, 1955.

Hickel Investment Co. filed 17 oil and gas offers (A-060211, 13, 14, A-060370-378, A-060391-395) on Sept. 30, Oct. 24, and Oct. 28, 1963. All these applications were withdrawn Jan. 8, 1964 without leases being issued. These were top-filings, and were substituted with Hickel filings as an individual on Nov. 19, 1963.

Walter J. Hickel filed 23 applications A-060487-509 on Nov. 19, 1963—these top-fled all, or the majority of the Hickel Investment Co. filings listed above, and were in themselves top-filings on existing leases. When the Tallman case was decided as to the validity of the existing leases on the Kenai Moose Range all these offers were withdrawn on June 23, 1965, and the case was closed.

Mr. ALLOTT. The Anchorage Natural Gas Co., which he helped organize, with other entrepreneurs, is nothing but a distribution company. They bought gas and distributed it within the city of Anchorage and the Anchorage area. Later, that company was merged with the company which had a pipeline to distribute the gas there, and also a pipeline to transport oil to private companies.

The only conflict of interest that could possibly arise here is that some time the rights-of-way for the pipeline over public lands could again come up for renewal; and because of that possibility, he has agreed to divest himself completely of this asset. But it must be clear by now that this does not constitute connection with an oil company. If it is a connection with an oil company to have purchased its products, then everybody who buys gas or oil from an oil company has close ties to the oil business.

Third, I wish to say this: He would not be pressured into making a commitment with regard to the Machiasport free trade zone proposal. I can understand why some in the East would be concerned about that. But I say, Mr. President, that I would think much less of him if he were to commit himself on such an important matter, when he has not had access to the files of the Department of the Interior, when the outgoing administration which, according to one of the Senator's statements yesterday, has had this matter under consideration for 5 years, refused to grant it. I am proud of Governor Hickel for refusing to commit himself on this matter, because, in my opinion, if he had done so before he had access to all the facts, and before consultation with all the other departments of the Government which are involved in the matter, he would have been stultifying himself.

The questioning in committee on this matter was not exactly easy. To withstand the tremendous pressure brought upon him under these circumstances, in my opinion, is eloquent evidence that here is a man who will be able to stand up against the pressures of special interest groups, and it indicates to me that he will require that all factors have been analyzed and carefully weighed, to insure that the national interest will be preserved.

Referring again to the Machiasport matter, I say it is common knowledge, from the newspapers, that one particular oil company stands to gain tremendously, economically, from this proposal. The stock of that oil company has been subjected to some violent gyrations during the last year or so, for obvious reasons.

Mr. President, I ask unanimous consent to have printed in the RECORD in behalf of the Senator from Kentucky (Mr. COOPER) a statement he has prepared relative to this matter.

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

STATEMENT BY SENATOR COOPER IN SUPPORT OF THE HONORABLE WALTER J. HICKEL TO BE SECRETARY OF THE INTERIOR

I shall be unavoidably absent on Thursday, January 23 when the vote on the confirmation of Governor Walter J. Hickel of Alaska to be Secretary of Interior is scheduled to take place.

I make this statement to announce that if I were present, I would vote for the confirmation of Governor Hickel.

I am deeply interested in conservation, and I am pleased that Governor Hickel has pledged himself to use his office to conserve the nation's resources and to support conservation programs that are now in operation.

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

Mr. MOSS. Mr. President, I yield 25 minutes to the distinguished junior Senator from Wisconsin.

Mr. NELSON. Mr. President, my opposition to the confirmation of the nomination of Governor Hickel is based upon my conviction that he does not have the background, the depth of understanding, or that kind of view about the cause of conservation in its broadest sense which is so urgently necessary at this stage in our history.

Mr. Hickel is quite obviously a man of ability and has demonstrated his qualities of leadership and dedication both in business and in politics. During the 4 days of hearings, he came through as a man of good will and conviction, no doubt well qualified to hold many high positions, but, in my opinion, not this one.

I have commented on my impression of his obvious attributes as a successful man, because I do not intend my remarks to be interpreted as reflecting upon him. They do not.

The views and understanding of the status of our resources and the quality of our environment may very well be representative of a majority in Congress and outside it, but that certainly is not good enough for the Secretary of the Interior, who is the single most important custodian of our resources and who

bears the responsibility of being the Nation's philosophical spokesman and spiritual leader in this cause.

In this position, as in many others, successful, creative leadership requires special knowledge of the subject, a special sensitivity to its vast ramifications, and a deep involvement in it.

A careful perusal of Governor Hickel's general observations in the past and his testimony at the hearings compels one to the conclusion that he does not appreciate his truly colossal responsibility as the chief conservationist for the Nation. World-renowned ecologists, biologists, naturalists, and scientists from every other discipline are alarmed by the rapidly accelerating deterioration of our environment. Every thoughtful conservationist shares this alarm. They are not alarmed at man's activities threatening to destroy his habitat and that of most other living creatures but that he, in fact, has already done irreparable damage, and that our most urgent current business is to stay the trend and then to reverse it.

In the long pull, no other matter before us is as important. We hope we might banish the bomb, wipe out poverty, and achieve peace in the world, but that will avail us little if we so degrade our environment that living in it is hardly worth while. We are moving rapidly on a course toward that end now, and the obvious elements of approaching disaster are all around for anyone to see if he wants to look.

There is a glimmering of hope that man will abate his assault on the natural scheme of things if he understands what he is doing. That understanding can come only from education, which itself comes from strong and thoughtful leadership.

We have had that leadership under Mr. Udall and two Presidents for the past 8 years. Mr. Udall, I think, has been the greatest conservationist ever to serve as Secretary of the Interior. There is now a stirring in the conservation movement and a momentum to it that must not be lost. The thrust and drive it needs can come only from a Secretary who has this cause as his foremost concern and senses the urgency of it all. It is not likely that anyone can grasp this issue in its entirety and advance it effectively who has not been deeply involved and committed in the past.

This, I think, is what is at stake. This is the heart of the matter. It is far too important for us to risk a gamble on the kind of leadership we shall have.

Mr. President, as I have said, the status of the environment in its broadest sense is the classic contemporary issue that confronts us now and will confront us, I think, for all time to come: what man is doing to his environment and that of all other creatures. To lead the Nation on this issue is the most profound and fundamental responsibility of the Secretary of the Interior. In my judgment, it is abundantly clear from the testimony that Mr. Hickel's grounding in this area is simply inadequate. As I have said previously, this is not a reflection on him as an individual, but it is a fatal flaw in his qualifications to manage the duties of the Secretary, who is the major conservationist in this coun-

try. As a matter of fact, there is no necessary reason why Mr. Hickel as an individual should have any special expertise in this area, particularly since his adult life has been spent in Alaska, where the problem is less visible than it is elsewhere.

I questioned Mr. Hickel for 2 hours solely on the issues that confront us on the environmental front. At the conclusion of 2 hours of questioning and exploration of Governor Hickel's views on specific conservation projects and different elements in the environmental crisis, I wanted him to have the opportunity to give us his philosophy about the whole area of man and his environment. So I shall quote my question and his answer from pages 174 and 175 of the hearings. I began by saying:

The final question I would like to ask you to comment on is this: The leading scientists in the field of ecology and biology particularly and in almost every other discipline, have been warning us now for several years that due to a vast number of intrusions of man on nature, whether it is pollution aspects and so forth, that this country is directly, specifically, the country and the world, specifically and quite rapidly heading toward what many of them describe as simply an environmental disaster.

I think any study of what we are doing will tell us that, whether it is a study of what we have done to the water or to the air or what we have done to animals and what we have done to insects and creatures with pesticides and herbicides in the soil.

So just to understand some of your philosophy as Secretary of the Interior, I would like to have you direct yourself to that. Over the past 8 years, I think one of the critically important things that Secretary Udall did was to provide an imaginative leadership as a spokesman, addressing himself to the whole total environmental question.

We are on our way, I think, to destroying all the oceans of the world. You don't have to destroy them where they are 10 miles deep or 20 miles deep. All you have to do is destroy all the estuaries in the bay, we are doing that off every city, and you destroy a major portion, the productivity of that vast body of water.

Every knowledgeable scientist is alarmed. He is not mildly alarmed. He is alarmed.

I just wonder if you would sort of give us your concepts, your philosophy, your ideas about the breadth and depth of this environmental problem, what you think about it, what is involved in it, what kind of leadership you would give as a spokesman for the most important position in this country respecting this problem, so that I would understand better your feelings and philosophy.

It was my intention to give him the opportunity to range as broadly as he pleased, so that we would understand the philosophy of the chief custodian of our resources and what he viewed as the crucial environmental problems that confront us, and what he would do about it. His answer was, I think, totally insufficient. Let me read it.

Governor HICKEL. Thank you, Senator, I am not at all deeply versed in the subject you are talking about. I know the problems. I know the problems, for example, like the State of Florida. I know somewhat the problems of the areas in California. Obviously I know the problems that we have in the thousands of miles of coastline in Alaska.

I think it is a real problem, especially in the great bays where the estuaries are located. I think beyond that I would say that one of the things we should push for the most is

for advanced research and knowledge of the potential not only of our oceans but more specifically our continental shelves. I think in there lies the real salvation of feeding the underdeveloped nations of the world and the hunger of the world, and I think we are doing a great job along those lines, but I don't think we are moving fast enough.

The reason we aren't moving is for a very basic, simple reason, because we didn't have to, and that is generally the thing that motivates a system such as ours.

But I think that we are going to have to, as leaders in government, press the idea that it is important, and that the time has come when we are going to solve the problems of underdeveloped and hungry people of the world, we are going to have to explore the idea where we are going to get this food and how is it going to be replenished.

I think a great deal of that solution will come out of not only the vast oceans, but more specifically the continental shelves around the earth.

Senator NELSON. Is that the total you have to say about the whole environmental problem?

Governor HICKEL. I guess I could keep on talking. I have the general philosophy of the problem, and I have a feel for and want to do something about it.

Mr. President, without any disrespect at all to Mr. Hickel, the answer speaks for itself. He is not equipped to handle this responsibility, because in his history and background he has not been deeply involved in it.

If that question had been asked of Secretary Udall or of any well-informed conservationist who recognizes the environmental disaster that is impending, he would have answered easily for an hour or two hours on what was involved in the crisis and what we must do to confront it. The answer indicates that Governor Hickel did not really have the necessary understanding to respond in depth to the question. As I have said, I do not intend that as a reflection. There is no necessary reason why he should, if he were not nominated to be Secretary of the Interior.

What should he have said, at least in some kind of summary of his philosophy and views? Should he not have addressed himself to what is happening in the atmosphere, in the water, in the soil? Should he not have expressed himself as to what wilderness is all about and why we need to protect and preserve it? Should he not have talked about the recreation space we need, the scenic beauty, and the whole vast ecological complex—the relationship of all living creatures to their environment and their mutual reaction to each other? That is what his responsibility is—to understand it, to see what is happening, and to provide leadership to stop this impending disaster in our environment.

Should he not have said something about the air, when he was given the chance to talk about the environmental crisis; the fact that there are two scientific reports to the President, one in 1963 and one in 1965, which discuss this serious matter and which point out that if we continue polluting the atmosphere at the accelerating pace we are now polluting it, within a half-century or so we will probably change the climate on earth?

Should he not address himself to what

it means to the whole environment to see—every year—an estimated 500,000 tons of hydrocarbons from auto exhaust pouring into all the oceans of the world, with no scientific studies and no understanding of how we may create a chain reaction in the oceans that will destroy the entire ecological balance there? Should he not, as the chief conservationist, be aware of that?

Should he not have addressed himself to the question of water, when he had a chance to do so, and what would be done about the accelerating degradation of our lakes and water courses? Should he not have recognized, if he is going to be the chief custodian of our resources, that we are using 350 to 400 billion gallons of water a day; that we have available only 600 billion gallons; that we will be using that much in 1980; that we will be using twice the national supply in the year 2000—32 years from now; and that unless we proceed with deliberate and great speed, we will have contaminated and destroyed all the fresh water in America, on the surface and in the underground aquifers? It is a dramatic and crucial question to this country and water is his jurisdiction as Secretary of the Interior.

Should he not have said something about pesticides and herbicides? He thought, when I asked him that—I should get the quotation—something to the effect that if research demonstrated that these slow-degrading herbicides and pesticides were creating damage, something should be done about it. Every conservationist in the world, every ecologist, every entomologist, every scientist, every thoughtful person who has looked at the situation, recognizes that we are contaminating the total atmosphere. Publications after publications have been warning us for years. DDT alone permeates the whole atmosphere of the world and contaminates almost all its creatures. We find it in the fatty tissue of the Adelie penguin in the Antarctic, in the fatty tissue of deer, and in human beings. The bald eagle is now being sterilized because of the accumulation of DDT in the fatty tissue, because he is at the end of the food chain, where he accumulates vast amounts of it. It is found in the fatty tissue of fish and inhibiting his capacity to reproduce. It has reached critical levels in Lake Michigan. It is polluting almost everything everywhere. DDT and other pesticides may very well create an ecological imbalance all over the world, the likes of which nobody can predict. Should he not have addressed himself to this issue?

In heaven's name, how can we afford to have the chief conservationist of the United States without a really comprehensive understanding of the biologic implications of this kind of pollutant in the atmosphere? Somebody has to lead that fight. How can anyone lead that fight who is not well grounded on the issue and its implications?

He did not say anything about the effect on any of the animals or other living creatures—or the soil—or the insects, of the indiscriminate use of these dangerous, slow-degrading pesticides.

We could talk for quite a while on the things that were not covered by Mr.

Hickel. Although I believe he is a very fine gentleman, from everything I know and have seen about him—he would make a fine Secretary of some other Department. I think he is qualified in many ways—the fact is that he is not qualified to lead this fight. That is the major responsibility of the Secretary of the Interior, and it is a great and serious responsibility.

We have spent years, conservationists have, trying to arouse the public to what they are doing to themselves and all other living creatures. Finally, President Johnson, Secretary of the Interior Udall, and President Kennedy started alerting the public. A stirring is underway in the conservation cause, and a momentum is underway. This country cannot afford to have a man who is not prepared to be the spokesman and the leader of this confrontation. That is why I shall vote against the confirmation of the nomination of Mr. Hickel.

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

Mr. NELSON. I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I read with particular interest the material on page 174 of the hearings. In my State, there are scientists who speak the same things the Senator has recounted about the great fear that human life will be threatened soon if air pollution, water pollution, and other intrusions upon nature are not halted.

I was startled by the Governor's response to the Senator's question as to his attitude toward human environment and what is happening to it. The Senator was charitable enough to say that perhaps Governor Hickel did not understand the question. I wonder if at any point it is shown that he understood the problem because this matter lies at the foundation of the responsibility of the Department of the Interior, and this is the matter threatening not only the people of my State, or the people from the State of Wisconsin, but the people of every State and nation on this earth.

Mr. NELSON. After listening to 4 days of hearings I had the feeling that he is and has been a successful businessman, a successful political leader, and a fine gentleman. I wish to make that clear. However, I have the feeling, from the answers given in 2 hours of questioning I addressed to him, and his answers to other questions, that he does not have the broad conception or understanding of what is involved in the environmental crisis which is the crucial responsibility of that Department.

We do not have to worry about reclamation. That is a program in which there has been jurisdiction since 1932 or 1933. However, we have to worry about leadership in this new area, which is really old, because of the accelerated and growing threat. He did not have that understanding, and I consider that to be a fatal flaw in a Secretary of the Interior.

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

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

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

The PRESIDING OFFICER. The Senator has 37 minutes remaining.

Mr. ALLOTT. Mr. President, how much time is there remaining on the other side?

The PRESIDING OFFICER. The Senator from Utah has 11 minutes remaining.

Who yields time?

Mr. MOSS. Mr. President, I would like to reserve the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be not charged to either side.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object, I suggest that the request be modified to provide that the time for the quorum call be taken equally from each side.

Mr. MOSS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. JACKSON. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, the able Senator from Maryland (Mr. MATHIAS) has a question he wishes to propound to the chairman of the Committee on Interior and Insular Affairs, and I yield for that purpose.

Mr. MATHIAS. I thank the Senator very much for yielding to me.

Before I propound the question, I should like to comment that I think the chairman of the Committee on Interior and Insular Affairs and members of the committee have rendered a great service in connection with this nomination.

Candidly, I think that we cannot deny there have been many reverberations in the course of the hearings, but I think that the chairman of the committee and its members have helped to bring into a better perspective the questions which have been presented and have produced a calmer climate in which we can consider them.

Of course, I am cognizant of the fact that most of the charges seem to have been answered to the satisfaction of the overwhelming majority of the members of the committee, and I think that is a helpful thing. But, in the interest of those of us who have been working in the field of conservation for many years, I should like to propound this question:

Will not the Committee on Interior and Insular Affairs have the continuing congressional function of oversight in the area of conservation in the years that will follow this particular action of the Senate?

Mr. JACKSON. The Senator from Maryland is correct. One of the subcommittees of the Committee on Interior and Insular Affairs is the Subcommittee

on Legislative Oversight which is provided over by the junior Senator from Washington. Other members are the Senator from New Mexico (Mr. ANDERSON), and the able and distinguished senior Senator from Colorado (Mr. ALLOTT), who is the ranking minority member on the committee. These three Senators constitute the Subcommittee on Legislative Oversight. The subcommittee has been in existence for some time.

I might also observe that some time ago, as a matter of fact last fall, the chairman of the Committee on Interior and Insular Affairs advised the Secretary of the Interior by letter that he would like to have the Secretary and his Assistant Secretaries participate in what would amount to posture hearings, to review the work of the Department: where it is going, the objectives and goals of the various existing programs, the policies and alternatives for dealing with identified problems, and the decisionmaking process by which future problems are identified and programs developed to deal with these problems.

These hearings were scheduled for February.

In this connection, let me read into the RECORD from page 246 of the hearings. I raised the same point with Governor Hickel:

The CHAIRMAN. One last matter, Governor, on page 3 of your statement you said:

"I believe we should devote a period of time to the consolidation of the gains that have been made through a reassessment of our long-range objectives. I think we should explore ways within the Department to make things work better."

You may be interested in knowing that last fall I requested the Department of Interior to prepare a report which sets forth the objectives of the Department and the issues which it will face in the years ahead. I had anticipated that the full committee would hold a hearing on this subject sometime in February. At the hearing we would receive testimony concerning the problems and alternatives which we face in conservation and natural resource areas.

At this hearing I would expect to obtain testimony from you, your assistant secretaries and your office and the Bureau heads. I have asked the staff, Governor, to prepare a copy of my letter to Secretary Udall and the accompanying memorandum on these proposed hearings for your use. In short they will be posture hearings.

Now, we may not be able to have it right in the month of February, it may be in March, but I am sure that you would lend your full cooperation, would you not, to this effort?

Governor HICKEL. I will do that. Could I ask one question?

The CHAIRMAN. Yes. We will supply the letter.

Governor HICKEL. Thank you. It has already been requested of the Department and they are working on it?

Mr. President, I think this speaks for itself.

Point No. 1 is that the committee adopted the policy of legislative oversight when the subcommittee was set up about 3 years ago. This subcommittee will continue.

Point No. 2 is that last fall we thought the time had come when we should schedule posture hearings. This had nothing to do with Governor Hickel. We were not predicting the election of a

Republican President. But I may say that the hearing has been scheduled. He understands this, and he has given his full acquiescence. The committee will, I will say to my good friend from Maryland, certainly keep in close touch with the activities of the Department. We have the explicit assurance of Governor Hickel's cooperation. He has indicated his wholehearted cooperation in this regard.

Mr. ALLOTT. Mr. President, will the Senator from Washington yield for a question?

Mr. JACKSON. I yield.

Mr. ALLOTT. In the last days, is it not true that there are those who have, on the floor, criticized the Governor for his willingness to cooperate with committees of Congress? I think the answer that the distinguished chairman has given hits the question which the Senator from Maryland has asked right on the head. We have, and we have had for many years, such a legislative oversight committee and it will be continued.

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

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

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. ALLOTT. But, speaking personally, I am very happy to learn that we will be consulted more on policy in the Department of the Interior, I think we should have been in more recent years, because I feel that there are areas where the Secretary has gone ahead and taken steps which perhaps the committees of House and Senate should have been consulted on or even have enacted legislation on.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, as in legislative session, that there be a brief period for the transaction of routine morning business not to extend beyond 10 minutes to 1 o'clock p.m. today; that the discussion then revert to the pending nomination of Governor Hickel; and that the vote on the nomination occur at 1 p.m. today—with the 10 minutes to be equally divided between the two sides, and that there be a 3-minute limitation on statements during the transaction of routine morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

NATIONAL COUNCIL OF CHURCHES PUBLICATION DISCUSSES DEPARTMENT OF PEACE BILL

Mr. HARTKE. Mr. President, last September 11, Senator HATFIELD, Senator RANDOLPH, and Senator YARBOROUGH joined me in introducing S. 4019, a bill to establish a Cabinet-level Department of Peace.

Earlier, before a Democratic National Committee panel on the 1968 party platform, I urged the adoption of such a

measure, which was first proposed in 1793 by Dr. Benjamin Rush, a signer of the Declaration of Independence. Chairman of the panel was the distinguished Senator from West Virginia (Mr. RANDOLPH), who has himself introduced legislation in the same vein both while a Member of the other body and since coming to the Senate. I am happy that he is one of those who joined me in offering the bill last year, at his own request.

Representative SEYMOUR HALPERN, of New York, introduced a parallel bill, H.R. 19050, in the House, where he was joined by a considerable number of cosponsors. Both he and I anticipate offering again on February 6 a revised version of the measure, which has aroused a tremendously widespread interest throughout the Nation.

That interest has been evinced by scores of individuals, many of whom have written to me asking for copies of the statement I offered in explanation and comment on the bill. Frequently the demand has been for quantities to be used in small study groups, or sometimes for distribution to entire congregations. Perhaps this is partly due to the widespread notice of the bill in church publications. Catholic Press Features distributed an article about it which appeared in diocesan papers throughout the country; Baptist Public Affairs sent a lengthy story to editors and officials of the Southern Baptist Convention; the Episcopal journal, The Churchman, gave editorial support in its December issue; the newsletter service of Charles A. Wells, Between the Lines, featured the Secretary of Peace proposal in headlines of both its November 15 and December 15 issues. The pastor of the world's largest Quaker congregation, Dr. E. Ezra Ellis, of Whittier, Calif., preached a World Order Sunday sermon on the idea, after which more than 100 parishioners signed telegrams appealing to candidates of both parties—then in the midst of their campaign—to make a Department of Peace one of their goals.

I could continue at some length to recite other developments across the country, such as the concern of many peace groups of stature, or the response of political scientists who see the possibilities much as does Dr. Frederick L. Shumann:

Much can be said in favor of making a Department of Peace the liaison agency between the USA and all of the multilateral international organizations, leaving to the State Department and the Foreign Service the conduct of bilateral negotiations with other Governments.

Dr. Shumann, emeritus Woodrow Wilson Professor of Government at Williams College and now teaching at Portland State College in Oregon, has prepared a 28-page study of the matter under the title, "Why a Secretary of Peace," which is being published in pamphlet form this week. A copy of this little booklet will go shortly to each Member of the Senate in support of the new bill, which will be offered on February 6.

I want to speak at this time only of the great concern and interest being shown within the churches, and particularly the denominational departments

of international affairs. Those affiliated with the National Council of Churches, for instance, last week spent most of the morning in a quarterly meeting at New York discussing the details of the bill, its merits and problems, and asking questions of a member of my staff, whom they had invited to be present.

Actually, the Hartke-Halpern bill makes the broadest of appeal to all religions, Democrats and Republicans, rich and poor, old and young. In this sense, it is an opportunity for all of us to help "bring us together," a now famous phrase.

I am delighted that Senator MARK HATFIELD is the chief cosponsor of the Department of Peace bill in the Senate, and that he has been called upon to speak about it to interested groups. I am heartened by the emphasis upon peace offered us in the inaugural address of President Nixon, when he offered a "sacred commitment" to the Nation of his office, energies, and wisdom "to the cause of peace among nations."

I now ask unanimous consent, Mr. President, that there may appear at this point in the CONGRESSIONAL RECORD the article appearing in the current—January 15—issue of *Tempo*, a publication of the National Council of Churches, written by Dr. Allan Parrent, its department of international affairs program director in Washington, entitled "The Department of Peace," appearing in the regularly featured page, Washington Comment.

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

THE DEPARTMENT OF PEACE
(By Allan M. Parrent)

It was not too many years ago that the United States had a War Department. In the post-World War II reorganization of our military bureaucracy the old War Department became part of our present Department of Defense, now reportedly administering the third largest budget in the world (after the U.S. and U.S.S.R. national budgets). One unit of this military behemoth, the Strategic Air Command, even has as its motto, "Peace is our profession." Without denigrating the need for an adequate national defense in a world wracked by the rivalries, suspicions, and jealousies of nationalism, it is obvious that peace is not the primary purpose of any military establishment. While the absence of war may be a by-product, and a desirable one as far as it goes, of an adequate structure of national defense, there is a qualitative difference between the absence of war and peace which must be properly understood. (What is "adequate" is another matter which cannot be treated here.)

While government has an obligation to provide for the protection of its people, it also has the obligation to foster the development of peace and actively to seek reconciliation among nations to the degree that this is possible in the context of existing international relationships. There is at present no government department working full-time at fulfilling this obligation.

Political realism does not require us to look upon the international power struggle as a constant unresponsive to melioration. It does not require us gloomily to assume the inevitability of the customary, some of the cold-war-bound realists to the contrary notwithstanding. In fact, for the Christian who supports nuclear deterrence as morally defensible, there surely must be a qualification which says that the chief purpose of such deterrence is to buy time to work for peaceful

alternatives. To do less would be legitimate grounds for questioning his credibility as both a Christian and a citizen of the nuclear age.

THE PROPOSAL

All of this is a prelude to a discussion of a proposal to establish a Department of Peace in the U.S. government headed by a secretary of cabinet rank, the purpose of which would be "to promote the cause and advancement of peace both in this nation and throughout the world." The bill to establish a Department of Peace was introduced in the 90th Congress by Senator Vance Hartke (D., Ind.) on September 11, 1968, with Senators Mark Hatfield (R., Ore.) and Ralph Yarborough (D., Tex.) as co-sponsors. A similar bill was introduced in the House by Representative Seymour Halpern (R., N.Y.) with 21 co-sponsors. The bill is to be re-introduced in the 91st Congress on February 10, 1969. It is expected that there will be about 20 Senate co-sponsors and 50 to 60 House co-sponsors.

The Secretary of Peace would advise the President regarding the progress of peace, develop appropriate policies and programs designed to foster this progress, and encourage coordinated planning in this effort among the nations. There is a hope that this would extend the philosophy of checks and balances to the area of foreign affairs and separate traditional responsibilities of several present departments from the new responsibilities for peace in a nuclear age. There is also a belief that such a development would provide some creative tension in our foreign policy administration similar to that experienced as a result of the creation of separate departments for commerce and labor.

BASIC PROVISIONS

The provisions of the bill can be briefly summarized. Title I would establish the Department and broadly define its duties. It would transfer to the Department of Peace the following existing agencies: Agency for International Development, Peace Corps, Arms Control and Disarmament Agency, International Agricultural Development Service of the Department of Agriculture, and certain functions of the Commerce Department's Bureau of International Commerce. Title II would transfer the Export-Import Bank to the new department. This provision is absent from the House version of the bill. Title III would establish an International Peace Institute, in some respects for a parallel to our service academies, which would prepare citizens for service in positions or programs related to the promotion of international understanding and peace. Title IV provides for the establishment of a "Peace by Investment Corporation," an idea which has been proposed independently. It would encourage an expanded flow of private capital investment from the U.S. into economically sound enterprises in the underdeveloped world. The corporation would also hopefully enlarge the number of private investors engaging in international investment, gradually reduce the need for U.S. public investment and grants overseas, and direct a higher portion of the flow of U.S. capital abroad into underdeveloped areas. Title V would establish a Joint Committee on Peace in the Congress similar to the Joint Committee on Atomic Energy.

COORDINATING EFFORTS FOR PEACE

Basically the whole idea, which incidentally is by no means a new one, having first been suggested in 1799, is to give focus, visibility, and power to those now disparate elements of our society and our government concerned with what is really the world's number one priority—peace. Most of its functions are already authorized by Congress, but dispersed among several agencies with varying degrees of weakness. All of these functions, it is maintained, could be operated more effectively as part of an integrated

whole than as a separate entity, and the total impact would certainly be stronger than the combined impact of the separate parts. As Senator Hartke points out, if we need new Departments of Transportation and Urban Development, because of the proliferation of independent but related efforts in those areas, we certainly need the concentrated positive efforts such as a Department of Peace could command.

The bill itself is by no means fixed and firm. Detailed hearings on it could very well result in some major changes in its contents. One criticism has already been aimed at Title IV and its Peace by Investment Corporation. Some of the criteria for an investment program, it is felt, might migrate against investments in essential projects, such as hospitals, universities, etc., which might not be as "economically sound" or potentially profitable as other less essential projects. Others have asked for clarification on the proposed department's relationship to multilateral bodies, especially the United Nations. Still others question the political wisdom of creating a peace agency independent of the traditional political and military agencies to which its substance is so inextricably bound.

Nevertheless, if the deeper realism which understands with Pope Paul that "development is peace" is ever to be manifested in action, it is clear that peace must be given priority in deed as well as in word and that this must be reflected in some fashion by the way our government organizes and implements its efforts in this direction. A first step in doing this might very well be to put a Department of Peace on a par with the Departments of State and Defense and to recognize that economic aid, technical assistance, increased trade, and arms control all have an essential unity of purpose. That purpose is peace, and its attainment will be very closely related to the degree to which we all recognize that real national security depends at least as much on development and arms limitation as it does on vast defense establishments and new weapons systems. The extent of that recognition may be measured in some degree by the success of present efforts to get the idea of a Department of Peace included in the Nixon inaugural address.

"THE SUMMER OF DISSENT," MICRONESIAN REPORTER, FOURTH QUARTER, 1969

Mr. ALLOTT. Mr. President, as Senators are aware, the Trust Territory of the Pacific Islands, consisting of the Caroline and Marshall Islands and all of the Marianas except Guam, is administered by the United States under a trusteeship agreement with the Security Council of the United Nations.

The islands which form the portion of the trust territory within the jurisdiction of the U.S. trusteeship agreement lie in three major archipelagoes to the north of the Equator in the Western Pacific. Although the land area involved totals less than 700 square miles, it is scattered over almost 3 million square miles of open ocean. Prior to the execution of the trusteeship agreement its 90,000 inhabitants were governed by the Japanese nation as a League of Nations mandate between World War I and World War II. After the islands were converted into important military bases by the Japanese, they were captured after a series of historic, bloody engagements by Allied forces during World War II. Following the conclusion of the treaty between the United States and Japan, the Japanese colonialist and military personnel were returned to Japan.

The trusteeship between the United Nations and the United States was approved by the President under authority granted by the Congress in July of 1947.

The terms of the agreement (61 Stat. 3301) grant responsibility to the United States to provide "full powers of administration, legislation, and jurisdiction" over the former Japanese-administered territory and obligates the United States to provide certain basic responsibilities. Along with a basic responsibility to promote the economic, social, health, and educational advancement among the inhabitants of the trust territory, there is a specific mandate in this agreement that the United States is to foster the development of such political institutions as are suited to the trust territory and promote the development of the inhabitants of the trust territory toward self-government or independence.

U.S. authority is vested in a High Commissioner, who is presently appointed by the Secretary of the Interior. The High Commissioner's legislative authority was granted to the Congress of Micronesia on the first day of its session in 1965, although the High Commissioner retains veto power over measures passed by the Congress of Micronesia.

Under the trusteeship agreement, the United States has undertaken certain educational, social, political, and economic efforts to assist the people of the territory. Whether the United States has fulfilled all of its obligations and dispatched with reasonable success its various responsibilities under the provisions of the trusteeship agreements is, of course, open to serious conjecture. I have long had a deep interest in the affairs of the Trust Territory of the Pacific Islands through my period of service on the Senate Interior and Insular Affairs Committee. I know that this interest has been shared by others on our committee, including the distinguished chairman of the Subcommittee on Territories and Insular Affairs (Mr. BURDICK), as well as the distinguished majority leader, both of whom took an active role in the introduction of certain legislation during the last session of Congress dealing with the affairs of the trust territory.

Because, Mr. President, I believe that too many Members of Congress are not entirely familiar with the political changes which are now occurring within Micronesia, I should like to insert into the CONGRESSIONAL RECORD a very interesting article which recently came to my attention, entitled "Summer of Dissent," as published in the Micronesian Reporter for the fourth quarter of 1968. This article, I believe, graphically illustrates the ferment of political ideas and aspirations which now animate the unique political arena in Micronesia. I particularly commend a reading of this article to those Members of Congress who are vitally concerned, as I am, that the best efforts of the United States must be exerted to assure everyone that this country is properly discharging its responsibilities under the Trusteeship Agreement with the United Nations.

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:

THE SUMMER OF DISSSENT
(By Marjorie Smith)

From the moment some of the Marshallese delegates stepped off a plane at Saipan's Kobler Field on the Fourth of July and announced "Independence is the only answer to Micronesia's land problems," it was clear: The 1968 session of the Congress of Micronesia was going to be different from those of the past.

And different it was. Perhaps it was only a matter of degree, for Amata Kabua has always been critical of the Trust Territory administration, just as Francis Nuuan and Isaac Lanwi have always clowned in the Senate and the Ponapeans have consistently come up with provocative comments on sides to questions everyone else had overlooked.

But there was about this Congress a stimulating sense of energy and change. Some of the members termed it "The resurgent Congress" but the phrase seems not quite accurate. Rising and surging the Congress was, but it was not resurging, for the Congress has never fallen back, the tide has never ebbed.

It was just a dozen years ago that thirteen Micronesians convened in Guam for the first meeting in history between leaders of the various districts. Four members of the present Congress were there—Amata Kabua, Namu Hermios and Petrus Mallo as members of "The Inter-District Advisory Council" and Soukliche Fritz as an interpreter. They heard the American department heads explain, probably for the first time, the functions of the various government agencies. And they heard the territory's acting High Commissioner, Delmas H. Nucker, say, "I have been asked by the United Nations each of the last two years when I appeared before the Trusteeship Council when we were going to have a territorial legislature. I will be very honest with you people and tell you what I told the United Nations, that I did not know when we would be ready for it, because I wanted to be sure that our municipal governments were functioning and when they were chartered and were the best we could make them, and our district governments were running right and serving the people—then I would be ready to talk about having a congress for all."

Ready or not, from that day those thirteen Micronesians met in Guam. Micronesia has been caught up in a tidal wave that is the inevitable result of a decision probably never consciously made: to teach American-style democracy to Micronesians.

The wave was slow in building and for years the rising political awareness, the sense of power and confidence that comes with the teaching "All men are created equal and have equal rights", was barely perceptible. But lately the waters of progress and change have rushed in upon Micronesia more swiftly. With the creation by the Secretary of Interior in 1964 of the Congress of Micronesia, forces were gathered for a powerful wave that crested this summer in Saipan. But it is not the last wave. The lovers of the status quo, the comfortable, the wearers of white pith helmets and the keepers of anthropological zoos should beware: in Micronesia, the surf is up.

It had long been recognized that the fourth session of the Congress would be one of transition. According to Secretary of Interior Stewart Udall's Order No. 2882 which created the Congress, during the first four years Micronesians in high-level positions in the administration could also serve in the Congress. Beginning with the fifth session, however, each man would have to make a choice between the security, the relatively good pay of a career in the executive branch, and the uncertainties and relative poverty of continued congressional service.

There had long been concern about a mass

exodus from the Congress in its fifth year. The Congress had attracted a remarkable collection of young, well-educated leaders. But most observers believed that few of these men could afford to give up their government jobs. Then came an amendment to the secretarial order providing for annual salaries of \$3500 for members of congress. With this money to be paid by the U.S. Congress, the members of the Congress of Micronesia began to quietly discuss supplemental expense accounts which they might allow themselves from their own funds, and the worriers reversed themselves, beginning to fret about a mass exodus of outstanding Micronesians from the administrative branch.

Before the secretarial amendments ever arrived in Saipan, the congress of transition was making itself known as the congress of dissent. For some members, perhaps, the decision had already been made to remain in the Congress no matter what the financial hardships. For others, the choice was yet to be made. Yet no one seemed inclined to soften his views or defend the administration just because he worked for it and might want to continue doing so. When support of an administration official or program was heard in the Congress, it came as a voice of reason or logic and not as appeasement of an employer.

There was Eminent Domain, always spoken of in capital letters. There was the remarkable territory-wide scholarship bill passed in lieu of pork barrel capital improvements for individual districts. There were the critical speeches resounding through the halls of Congress, wafting down over startled American officials who were forced to realize that they no longer occupy the highest point in Saipan, geographically or politically.

What all the issues and all the criticism came down to was the simple fact that in at least one of its stated aims, the American administration has done a thorough job in Micronesia: It has succeeded in instilling respect for and belief in the democratic processes.

The eminent domain issue has been with the Congress since its creation. The existing law allows the government almost unlimited power to take private land for public use. The administration and the Congress agree that this power must be limited. They are unable to agree on how.

In 1966, Senator Kabua introduced an eminent domain bill which the Congress passed. The High Commissioner vetoed it. In 1967, the administration submitted its proposal on the subject. The Congress amended it extensively so that it came out almost the same as their 1966 version, and passed it. The High Commissioner failed to approve it.

In 1968, the Congress tackled the matter from several angles. First, they voted to override the High Commissioner's veto on the 1967 bill. Then, because there was considerable disagreement as to whether the Congress could override a pocket veto or whether there had been a pocket veto, the Congress introduced and passed, before the first twenty days of the session were up, a bill identical to the 1967 version. Finally, the Congress passed a bill repealing the existing eminent domain statutes.

The High Commissioner vetoed the 1968 bill while Congress was still in session, so there is no question but that the veto could be overridden next summer if the Congress should decide to do so. The High Commissioner acknowledged receipt of the override bill, but said it was still his opinion that there had been no veto, so there could be no override. However, he forwarded the matter to the Secretary of Interior to obtain his interpretation on the question. At this writing, the administration had not yet taken action on the bill repealing the existing eminent domain laws.

Land is Micronesia's scarcest resource and its most precious—precious not only be-

cause of its scarcity but because of the role it plays in traditional cultural patterns. The American administration has acknowledged this fact and has protected the land for Micronesians by providing that non-Micronesians cannot own land.

Then what is the fight on eminent domain about? Military use of Micronesia's land. For although the American government recognizes the value of the land to the people, it also considers Micronesia's 700 square miles as land of strategic value to the free world. Americans died by the thousands fighting for these islands twenty-four years ago. The islands were crucial then, and they are evidently considered even more crucial now in the protection of America's interests in the far Pacific and in the protection of the continental United States.

Members of the Congress of Micronesia are willing to grant that a number of Americans employed by the Trust Territory government have worked through the years with the idealistic aim of improving the lot of the Micronesians. But Micronesia leaders also know that the reason the United States has been in Micronesia all these years has been for the safety of the United States, not out of altruistic impulses to help an underdeveloped country.

Acceptance of this fact is not recent. Micronesians are realists and are natural political scientists—life within the confines of island society necessitates such qualities. But this summer it became clear to the Americans in Micronesia for the first time that Micronesians understand why the United States is here. And this understanding has given the Micronesians confidence. This summer for the first time, they faced the Americans as equals instead of as wards asking for favors.

The eminent domain issue is simple. The Congress insists that it be consulted in all cases where Micronesian land is taken for U.S. military use. The administration for a time, ducked behind a trite "That is not a legislative function"—possibly an irrelevant comment in a situation where the legislative branch is the only branch of government elected by the people. But toward the end of the summer, the administration came closer to admitting the truth and said that the eminent domain controls proposed by the Congress would be in conflict with the trusteeship agreement. In other words, it isn't that decision on taking land for military purposes are not a legislative function—they are not a Department of Interior function. Decisions to veto an eminent domain bill are not made in Salpan or in the Interior Department. They are dictated by the Department of Defense and State.

All right, say the dissenting congressmen. Amend the trusteeship agreement. The land is ours and we have a right to say how it shall be used.

And who, one might ask, gave the members of the Congress the idea that they have this right? America did, in its highly successful sales job of the democratic system.

Money is always a matter of concern in legislative bodies and the Congress of Micronesia is no exception. Members of the Congress asked which of the revenues generated in Micronesia are theirs to appropriate and which must be returned to the administration. They asked to be given more voice on how the money appropriated for the Trust Territory by the U.S. Congress is to be spent. And they agonized over how to spend the money that is theirs to spend.

Their decision on this problem was one of the most dramatic moments in a congressional session that was never dull. After taking care of operating expenses and a number of other obligations like the Social Security system, the Congress was left with about \$280,000. This is all it had to spend on projects and capital improvement requests

from the various districts totalled at least a million and a half.

The Congress took a courageous, unexpected step. In an election year, the members agreed to forgo capital improvement projects in the home districts. Instead the money would go into a scholarship fund, to be administered by a newly-organized Congress of Micronesia scholarship board. And the scholarship money was to be used to train Micronesians in skills and professions considered necessary by the congressional board. The congressmen made it clear that they do not always agree with the priorities set by the existing executive scholarship board.

The question of priorities came up again and again in the highly critical speeches that were heard in the Congress during the summer.

The congressmen expressed doubts about the low priority they feel is being given by the administration to agricultural development. They were just as dubious about the apparent intention of the administration to concentrate on tourism as the principal means of economic development in Micronesia.

The congressmen questioned other government priorities in spending particularly where capital improvements are concerned. They were not convinced that the administration had always chosen the best places to make improvements, and some members complained that too much attention was given to making life comfortable for Americans in the territory. The dramatic plans for Salpan's recovery from the effects of Typhoon Jean drew criticism from delegates from less developed districts.

Congressmen were critical of administration personnel. In some cases, they singled out individuals and questioned whether they were doing their jobs properly. In general, they expressed disappointment with the attitude of administration personnel toward the Congress, and with the preparedness of administration representatives who testified before them.

But what almost all the excitement in Salpan this summer really revolved around is the question of Micronesia's political future.

What the congressmen were saying when they repressed the eminent domain bill over the High Commissioner's veto was: The people know what is theirs and what they want. What they were saying when they appropriated \$200,000 for scholarships and created their own scholarship board to administer the fund was: We know what our people need and we know best how to get it. And what they were saying in exactly so many words in a number of speeches and informal remarks was: We know what our people need better than any outsider can know.

It is not a very long step from knowing what the people want and saying "They shall have it." And from there an even shorter step leads to the word "independence."

Americans who grew up firmly believing in the American revolution, believing that colonialism was bad and revolution good, should not be shocked to hear the word, although it was seldom heard in Micronesia until very recently. And Americans should not be too startled to find themselves wearing the black hats in this particular melodrama.

The self confidence exhibited by the Congress this summer was an important aspect of the new respectability of independence as a spoken word. "For years we have been told that we can never be independent because we have no resources," said the congressmen—Amata Kabua and Atlan Anlen from the Marshalls, Franc Nuuan from Yap, Lazarus Sallil from Palau, Bailey Oter, Hiroshi Ismael and Daro Wetlal from Ponape. But this is not true, they insist. "Our marine resources alone are completely untapped!" Nuuan says. "Our agricultural potential has been ignored and underdeveloped." Wetlal and Ismael shout.

"Our manpower resources are our greatest asset," says Oter and Sallil. And in their quiet, Marshallese voices, reminiscent at weirdly appropriate times of the sinister tones of Peter Lorre, Kabua and Anlen say, "Our strategic location alone can support us."

Someone, somewhere told the Marshallese that the United States is paying a hundred million dollars annually for lease of military bases in Spain. Perhaps it is not possible to find out if this is true. But the Marshallese are saying "If we were an independent country, the United States would have to pay rental on her bases at Eniwetok and Kwajalein." An independent Micronesia could be run very nicely on a hundred million dollars a year, the Marshallese hint, and there is always the simple truth that it is much easier to get money from the United States Congress for defense needs than for Department of Interior projects.

At first the word independence hung there heavily in the air after the Marshallese had uttered it, and everyone stared at it with some awe—just as three years or so ago the politicians of Guam stared, mouths agape, when a prominent "statesider" unexpectedly remarked "Of course statehood is the only equitable status Guam can aspire to." In Guam, the word "statehood" hovered awhile and then settled over the island and suddenly politicians all over were saying "And we mustn't discount statehood as a possibility," where before they had mumbled a ritual "Of course, statehood is out of the question."

So it was in Micronesia. The word independence buzzed around the heads of the Marshalls delegation for awhile and then suddenly there it was on the other side of the territory, and Palauans were saying in their intense, late-night discussion tones, "We could support an independent Micronesia on the lease money from Babelthuap."

At a press conference at one point during the summer, High Commissioner Norwood hastened to point out the danger of basing an economy strictly on military spending. It fluctuates a great deal, he noted, and of course everyone in the world hopes that eventually no military bases will be needed.

And Micronesian leaders nodded wisely and said to themselves that until the oil runs out in Kuwait and until the phosphate is gone from Nauru those tiny countries enjoy the world's highest per capita incomes—and invest much of it for slimmer days.

It is difficult for an observer to know how many, if any, of the members of the Congress actually take independence seriously as Micronesia's political destiny. The important point is that they have the confidence to say the word, to use the ideal as a bargaining point in any discussions of future status. Just about a year ago, some American officials raised eyebrows at the nerve the Congress of Micronesia had shown in setting up its own political status commission when the President of the United States had clearly announced his intention to establish such a commission. This summer, some members of the Congress were expressing their indignation that the United States Congress and the President should consider establishing a commission without consulting Micronesians for advice, without including Micronesians on the membership roll.

The Congress of Micronesia extended the life of its political status commission for another year, emphasizing that the commission's assignment in the area of political education, hardly touched upon during its first year, must be accomplished this year.

But perhaps the members of the Congress took the first step in the political education process when they pronounced the forbidden word "independence." They got Micronesia's attention. Now all of the other alternatives can be discussed and explained.

The congressional session of 1968 started a debate on a territory-wide scale. It is un-

likely that the discussion could be stopped now, even if anyone wanted to stop it.

The Congress is young. All but eight of the 33 members of the Congress are in their thirties. Six are in their forties, the Marshalls' Dr. Lanwi is 50 and Micronesia's elder statesman, Chief Petrus Mallo of Truk is 65.

The congressmen are well educated. Twenty-six of the members have had either college work or medical training. Seven of these men have bachelor's degrees and two have associate degrees. There are five medical officers in the Congress, graduates of training programs at the Fiji School of Medicine, Guam Naval Medical School and special courses in the Philippines and Hawaii. Senator Tosiwo Nakayama of Truk missed the '68 session of Congress because he was in Hawaii completing work on his bachelor's degree.

The congressmen, despite their youth, are politically experienced. All but ten of them have served in their district legislatures. Four of the college degrees are in political science.

The congressmen are well traveled. Twenty of the thirty-three have toured the continental United States. Another seven have traveled to Hawaii or other parts of the Pacific. Seven have also toured the Orient, and one (Nakayama) has traveled in Europe.

The congressmen have good jobs. Of the 24 members of the Congress employed by the Trust Territory government, twenty are on the "C" or professional scale, with salaries ranging from \$2800 to \$6000. Other members are employed by district legislatures, community action agencies and private business.

What are some of the individuals like in this group of young men?

Perhaps the member who had the greatest impact on this Congress is Senator Bailey Oter of Ponape. Oter was the author of the scholarship bill, the dreamer of the great dream that politicians facing an election in November could afford to sacrifice capital improvement projects for their home districts in favor of an idealistic attempt to influence the future of their country by providing for training its youth.

Energetic and exuberant, Oter attracts followers. He served as Senate vice president during the first two years of the Congress and has been chairman of the Senate Ways and Means Committee for the past two sessions. His infectious gaiety outside the halls of Congress contrasts with the gentle politeness that is characteristic of many men from Ponape. In the Senate, he is often the calm voice of reason, sturdy before waves of emotional rhetoric.

The fact that Oter was able to persuade almost every other member of the Congress to vote with him on the scholarship bill is testimony to his leadership abilities. If the bill is signed into law, and if the Congress can administer a successful scholarship program, it will still be many years before the results of Oter's dream can be seen. It took courage to dream, it took confidence in the future.

Another influential member of the Congress is Political Status Commission Chairman Lazarus Salli. Where Ponapean Oter exhibits some of the boisterous characteristics of the stereotyped Palauan, Palauan Salli is quiet, thoughtful, often enigmatic.

Salli has been dubbed by some American officials who have worked with him as "sure to be Micronesia's first elected High Commissioner." Other American officials see him as a dangerous man who should be watched. It is difficult to see in the calm face, the wide, innocent eyes, either the leader or the subversive. But in conversation, it is impossible to overlook the brilliance of the man.

"You criticize America for its fatness, its mercenary attitude, its excesses," he tells a grumbling Peace Corps Volunteer. "I want you to explain to me how a country with so many bad ideas and attitudes can sup-

port such an idealistic luxury as a Peace Corps? Tell me what it does right."

But he, too, can be quick with criticism for America. "There is a danger," he told the Congress the night it adjourned, "that ballots for Micronesia's plebiscite will be printed in Washington. . . . It is humanly impossible for non-Micronesians to determine what is best for Micronesians."

Though he heads the influential status commission, Salli has had his upsets in the Congress. He served as floor leader of the House during the first two sessions of the Congress. In 1967, Ponape's Ambilos Iehsi, a freshman representative, was elected to the post, to Salli's surprise and dismay.

Since then, Salli has used a needle when effective and a baseball bat when necessary to keep the administration aware throughout the session that Micronesians, if they don't yet know what they want, at least reserve the right to say no to what they don't want.

Amata Kabua is another enigma. Exhorting the virtues of democracy, the rights of the people, he is one of the highest ranking of the royal [roy] and sternly defends the traditional Marshallese system of land ownership, one of the least democratic systems ever invented. And while he indignantly denounces the Trust Territory government for failing to develop the economy of the islands, he has, from time to time accepted government aid in rescuing his business interests from financial ruin.

Soft spoken and calm, he wields an obvious influence over three of the four Marshallese in the House. And he is a power to be reckoned with in the Senate where he serves as floor leader.

Tradition's most important representative in the Congress is Truk's Chief Petrus Mallo, mayor of Moen, president of the Truk Trading Company. He is vice-speaker of the House of Representatives and the only member of the Congress who uses an interpreter. He sits sometimes for days, patiently listening to the proceedings (legend insists that he understands most English when he hears it, even if he doesn't speak it), grunting occasionally to signal to his aide that he needs a translation.

When he decides to speak on an issue, the entire house listens intently. The guttural Trukese comes rumbling forth from his lips. Then calmly, never blinking, he waits while the English version is presented. Then the rumble begins again.

Chief Petrus does not really want to be in the Congress. At his age, it is an exhausting six weeks work, and with his language handicap, it must be rather frustrating at times. The fact that in spite of this he is in the Congress and is probably the strongest vote of confidence the concept of a united Micronesia could receive.

In 1968, Chief Petrus insisted that he was going to concentrate on running Moen and the trading company—there would not be a candidate for Congress. Trukese colleagues in Congress were alarmed. If Chief Petrus didn't run for re-election after serving in the Congress for its first two years, they were afraid the Congress would lose status in the eyes of the people of Truk. "Chief Petrus went to Saipan for two sessions," people would say, "and he decided this Congress of Micronesia isn't really worth the trouble." It took the others a long time to persuade Chief Petrus that his continued participation was essential to the reputation of the Congress in Truk, but just before the deadline for filing of candidacy, he relented and was, of course, almost unanimously re-elected.

If Chief Petrus' belief in the Congress of Micronesia is an important tribute to its ideals, so is Olympio Borja's—on a very different plane.

Borja represents the Marianas in the Senate and like his slightly schizophrenic constituency, he is a study in contradictions.

Warm and loquacious, he looks more like an Italian restaurateur than an island politician. He is, on one hand, Chamorro, involved in the identity search of his people, looking toward Guam for leadership and inspiration, totally committed to a future connection with the United States.

And on the other hand, he is a Micronesian, exposed these four years to the dreams of Amata Kabua and Bailey Oter and Lazarus Salli. He is too intelligent to accept the traditional Chamorro view of the people from the Carolines and Marshalls as primitive savages. He sees the follies of his people, but they are his people after all, and he knows their capabilities, and how history has complicated life for them.

And so he defends against the sarcasm of his fellow senators his resolution asking that Micronesians be allowed to enlist in the U.S. military. And he goes to Japan with some of Saipan's outspoken leaders to ask for aid after Typhoon Jean. And he faces another election knowing that "Reunification with Guam" may very well be the cry of the winner this year in the Marianas, but unable to believe in it after four years in the heady atmosphere of the Congress of Micronesia. And his fellow senators sigh wearily when he begins one of his interminable speeches. But they elected him to represent them next year at the United Nations.

The faces, the personalities in the congress of dissent are varied. There are the hard workers. In the House, they include Speaker Bethel Henry, quiet, thoughtful, the politest of all considerate Ponapeans, his sense of humor easing occasional difficult moments; Ponape's prodigy, Floor Leader Ambilos Iehsi, inevitable cigarette clenched firmly in his teeth, energetically keeping the proceedings in motion; Luke Tman, the handsome Japanese-Palauan adopted by a Yapese clan, worried about his position as a congressman and as a headquarters official and about the conflicts of interest inherent in his heritage; Benjamin Mangiona, young and sincere, struggling to represent an anomaly known as Rota which, having once been a district cannot accept sub-district status; and Josh Sigra of Kusaie, quietly pleading for some attention to the problems of his long-neglected island. There are the Trukese—tough, stocky Raymond Setik, kept out of Congress this year after an automobile accident (it is interesting to wonder how Bailey Oter's scholarship bill would have fared had Setik been chairing the House Appropriations Committee throughout the session); cheerful Chutomu Nimwes, the "giant Micronesian" who will represent the House at the United Nations next year; Mitaro Danis trying to straighten out Micronesia's tangled land problems; Soukichey Fritz, studying for hours the technical language in the small bills many others would prefer to ignore. And Palau's Jacob Sawaich, looking pleasantly inscrutable and absolutely immovable.

And there were the loud ones. Ponape's Daro Weital, sophisticated, pouncing upon opportunities to use his gift of rhetoric; Ekpa Silik, anxious in his role as representative of the Marshall's anti-Kabua faction; Manuel Muna of Saipan and Polycarp Basilus of Palau, frequently the petulant voices of regionalism, redeemed by flashes of humor.

The Senate, too, had its loud dissidents, led this year by Ponape's Dr. Hiroshi Ismael (see interview, page 3) who saw another side to almost every question and brought it forcefully to light. The conscientious Trukese in the House had their counterpart in Andon Amaraich in the Senate. Amaraich seems always serious, reflecting the careful conservatism of his constituents, a quiet voice of reason when debates get overheated. A certain air of solemnity also characterized the front of the chamber where Palau's John Ngrakred presided, taking his responsibilities very seriously, grave in his comments, care-

ful in his parliamentary rulings, an almost conservative contrast to Palau's other senator, David Ramarui who is more aggressive, sometimes demanding.

And then there is Yap's Senator Franc Nuuan known for his antics on the floor of the Senate. He is a traditional Yapanese, he is a modern businessman; he can be charming and open, he can be almost orientally inscrutable.

"Whenever a resolution is referred to my committee," he confided one night at the Royal Taga bar, "I go through it and take out all those clauses that begin 'whereas.' We have too much to do in thirty days. We don't have time for the 'whereases.'" Nuuan has always been a dedicated opponent of minor resolutions, maintaining that while the Congress' power to legislate is limited, it has unlimited power to communicate through resolutions. But, he says, the power of resolutions can be easily diluted, if too many of them are adopted.

"What do we need the whereases for, anyway?" he asked. "If it is a good resolution, it doesn't need much justification. You can say: Resolved that Kusale should have an airstrip because it has four thousand people and doesn't have an airstrip. Why do you need whereases about jutting peaks and glimmering bays? And if it is a stupid resolution, all those whereases only make it stupider."

During a discussion in the Senate one morning on a commendatory resolution, Nuuan asked, "Mr. President, may I be permitted to speak some nonsense?" The senators good-naturedly allowed him to continue. "Mr. President, we have too much to do in 30 days," Nuuan said. "I therefore move that next year, in the fifth session, we don't have any resolutions."

In a stage whisper, he said to his sometime partner in clowning, Dr. Lanwi, "You second it."

Lanwi grinned. "No, I'm sorry. Nonsense I don't second."

And then during the last days of the session, it was Nuuan who pushed for quick adoption of a resolution that would have asked President Johnson to establish in his office an advisor on Micronesia. Texas Millionaire Fred Cox had come to Saipan and suggested the resolution. Some of the senators were dubious and speculated that Fox had his eye on the appointment if the job was created.

"My colleagues have suspicious minds," said Nuuan, preparing another wad of betel nut, pepper leaf and powdered lime and smiling blandly as the Senate decided to refer the resolution to the Political Status Commission.

And American observers puzzled over Nuuan's interest in the resolution, just as they puzzled all summer over the statements, the contradictions, the actions and the decisions of the congress of dissent, the voices of a new democracy.

HUMAN RIGHTS: THE PASSING OF THE HUMAN RIGHTS YEAR

Mr. PROXMIRE, Mr. President, 1968 was the International Year for Human Rights. In this year, as in the preceding 18 years, the U.S. Senate has failed to ratify the human rights conventions, although even the President in that period has urged the Senate to do so.

Mr. President, I call the attention of the Senate to a letter which appeared in the December 29 issue of the New York Times. It was written by Mr. Bruno V. Bitko, a member of the President's Committee for the Observance of the Human Rights Year. Mr. Bitko calls attention to a recent statement by President Nixon.

Mr. President, I ask unanimous con-

sent that this letter be included in the RECORD.

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

[From the New York Times, Dec. 29, 1968]

HUMAN RIGHTS TREATIES

TO THE EDITOR: Your editorial of Dec. 15 "Negligence on Human Rights" was a forceful reminder that at the end of International Year for Human Rights the United States remains a laggard in failing to ratify human rights treaties.

It is almost unbelievable that in the very year we celebrate the twentieth anniversary of the Universal Declaration of Human Rights we have neglected to remove the twenty-year-old Genocide Treaty from the deep freeze where it was stored many years ago by the Senate Foreign Relations Committee. Commenting on that committee's position, Chairman Fulbright wrote that "there appears to be no reason why these treaties should not receive further study. As you know, any treaty tabled can be taken off the table at a later date." That time is now. There are hopeful signs, too, that the American Bar Association may take a more forward-looking position in this regard.

On United Nations Day President-elect Richard M. Nixon sent a message to the President's Commission for the Observance of Human Rights Year. He said: "The struggles that divide the world today center on questions of human rights. It is America's role and responsibility, as the brightest beacon of freedom, so to conduct itself as to provide an example that will truly light the world."

This is the philosophical basis for our ratifying these treaties. It would help restore America's position as a world leader in this field if Mr. Nixon will call for promptly putting these concepts into treaty form.

Bruno V. Bitko

Member, the President's Committee for the Observance of Human Rights Year 1968.

WASHINGTON, December 17, 1968.

Mr. PROXMIRE, Mr. President, once again I call on the Foreign Relations Committee to report these treaties to the Senate, some of which, as I have said, have been pending since 1949.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to 67 Statutes 328 and 70 Statutes 966, appoints the Senator from Oklahoma (Mr. BELMONT) to the Senate Office Building Commission, in lieu of the Senator from Kentucky, Mr. Morton, retired.

The Chair, pursuant to the provisions of 42 United States Code 2251, appoints the Senator from New Hampshire (Mr. CORTON) to the Joint Committee on Atomic Energy, in lieu of the Senator from Iowa, Mr. Hickenlooper, retired.

The Chair, in accordance with Senate Resolution 281 of the 90th Congress, appoints the Senator from Rhode Island (Mr. PELL) to the Select Committee To Study the Unmet Basic Needs Among the People of the United States, in lieu of the Senator from Wisconsin (Mr. NELSON), resigned.

REPORT OF COMPTROLLER GENERAL

The PRESIDING OFFICER (Mr. GRAVEL in the chair) laid before the Sen-

ate a letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on compilation of General Accounting Office findings and recommendations for improving government operations, fiscal year 1968 which, with an accompanying report was referred to the Committee on Government Operations.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, The following favorable reports of nominations were submitted:

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

Elliot L. Richardson, of Massachusetts, to be Under Secretary of State; and

Richard F. Pedersen, of California, to be Counselor of the Department of State.

By Mr. HOLLAND (for Mr. BLEVENS), from the Committee on Agriculture and Forestry:

J. Phil Campbell, of Georgia, and Clarence D. Palmby, of Virginia, to be members of the Board of Directors of the Commodity Credit Corporation.

By Mr. LONG from the Committee on Finance:

Charles E. Walker, of Connecticut, to be Under Secretary of the Treasury; and

Paul A. Volcker, of New Jersey, to be Under Secretary of the Treasury for Monetary Affairs.

Mr. THURMOND, Mr. President, from the Committee on Armed Services I report favorably the nominations of 129 flag and general officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered placed on the Executive Calendar, are as follows:

Col. William Henry Moncrief, Jr., Army of the United States (lieutenant colonel, Medical Corps, U.S. Army), and Col. Thomas Joseph Whelan, Jr., Army of the United States (lieutenant colonel, Medical Corps, U.S. Army) for temporary appointment in the Army of the United States in the grade of brigadier general;

Vice Adm. Rufus L. Taylor, U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Rear Adm. George M. Davis, Jr., Medical Corps, U.S. Navy, for appointment as Chief of the Bureau of Medicine and Surgery;

Vice Adm. Robert B. Brown, Medical Corps, U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Vice Adm. George G. Burkley, Medical Corps, U.S. Navy (retired), for permanent appointment to the grade of vice admiral on the retired list;

Rear Adm. William P. Mack, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Gen. Robert William Porter, Jr., Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. George Robinson Mather, Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of general while so serving;

Maj. Gen. Chester Lee Johnson, Army of the United States (brigadier general, U.S. Army), and sundry other officers, for appointment in the Regular Army of the United States in the rank of major general;

Maj. Gen. Paul T. Cooper, U.S. Air Force,

(brigadier general, Regular Air Force), and sundry other officers, for appointment in the Regular Air Force, in the grade of major general;

Brig. Gen. Robert L. Cardenas, U.S. Air Force, (Colonel, Regular Air Force), and sundry other officers, for appointment in the Regular Air Force, in the grade of brigadier general;

Brig. Gen. Anthony T. Shtogren, Regular Air Force, and sundry other officers, to temporary appointment in the U.S. Air Force, in the grade of major general;

Gen. Theodore William Parker, Army of the United States (major general, U.S. Army), to be placed on the retired list the grade of general; and

Lt. Gen. Joseph E. Holzapple (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of general.

Mr. THURMOND. Mr. President, in addition, I report favorably 1,118 appointments in the Army in grade of major and below, 647 appointments in the Air Force in grade of major and below, and 7,287 promotions in the Navy in grade of captain and below. Since these names have already been printed in the CONGRESSIONAL RECORD, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

Daniel H. Spoor, and sundry other persons, for appointment in the Regular Air Force; Edward F. Abbey, and sundry other officers, for appointment in the Regular Air Force; William W. Bancroft, Jr., and sundry other distinguished graduates of the Air Force officer training school, for appointment in the Regular Air Force;

Joseph P. Madden, and sundry other persons, for appointment in the Regular Army; Bernard L. Stewart, and sundry other persons, for appointment in the Regular Army of the United States;

Denis F. Ausflug, and sundry other distinguished military students, for appointment in the Regular Army of the United States;

Robert D. Galloway, scholarship student, for appointment in the Regular Army of the United States;

John P. Abbott, and sundry other cadets, U.S. Military Academy, for appointment in the Regular Army of the United States; and William B. Anderson, and sundry other officers, for promotion in the U.S. Navy.

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. ELLENDER (by request):

S. 568. A bill to repeal certain acts relating to exportation of tobacco plants and seed, naval stores; and wool; to the Committee on Agriculture and Forestry.

By Mr. TOWER:

S. 569. A bill for the relief of Peder Monsee and

S. 570. A bill for the relief of Valerie I. Bloom; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 571. A bill for the relief of Dr. Diego Aguilar Aranda;

S. 572. A bill for the relief of Dr. Cesar Baro Esteve; and

S. 573. A bill for the relief of Dr. Jose R. Guerra; to the Committee on the Judiciary.

By Mr. JACKSON (by request):

S. 574. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Interior and Insular Affairs.

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

By Mr. JACKSON (for himself and Mr. HANSEN) (by request):

S. 575. A bill to amend authority of the Secretary of the Interior under the act of July 19, 1949 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. JAVITS (for himself and Mr. GOODELL):

S. 576. A bill to amend the Public Health Service Act to extend for 1 additional year the authorization of project grants for rat control; to the Committee on Labor and Public Welfare.

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

By Mr. RANDOLPH:

S. 577. A bill for the relief of Nenita L. Laguna; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 578. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. MCINTYRE:

S. 579. A bill for the relief of Dr. Farzin Davachi; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 580. A bill to authorize the Secretary of the Interior to provide for rehabilitation of the distribution system, Red Bluff project, Texas; to the Committee on Interior and Insular Affairs.

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

By Mr. MOSS:

S. 581. A bill to amend the Mineral Leasing Act of February 25, 1920, as amended; and

S. 582. A bill to amend the act entitled "An act to promote the mining of coal, phosphatic, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437; 30 U.S.C. 181); to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself, Mr. BAYH, Mr. BENNETT, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. CASE, Mr. COOPER, Mr. CURTIS, Mr. DODD, Mr. EASTLAND, Mr. ERVIN, Mr. GOLDWATER, Mr. GORE, Mr. HARRIS, Mr. HART, Mr. HEUSKA, Mr. HUGHES, Mr. INOUE, Mr. JAVITS, Mr. MAGNUSON, Mr. MCGEE, Mr. METCALF, Mr. MONDALE, Mr. MONTROYA, Mr. MUSKIE, Mr. PEARSON, Mr. PELL, Mr. PROUTY, Mr. RANDOLPH, Mr. STEVENS, Mr. TALMADGE, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 583. A bill to provide for the flying of the American flag over the remains of the United States ship *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941; to the Committee on Armed Services.

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

By Mr. RANDOLPH:

S. 584. A bill for the relief of Dominto

Lamadriz; to the Committee on the Judiciary.

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

S. 585. A bill to provide for the appointment of an additional district judge for the District of Arizona; to the Committee on the Judiciary.

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

By Mr. TALMADGE:

S. 586. A bill for the relief of Nguyen Van Hue; to the Committee on the Judiciary.

By Mr. METCALF:

S. 587. A bill to allow the Sierra Club to retain its status as a tax-exempt organization until its right to this status has been adjudicated; to the Committee on Finance.

By Mr. MUNDT:

S. 588. 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. TYDINGS:

S. 589. A bill for the relief of Dr. Tze Duen Chan, his wife, Shen Fen Chan, and minor daughter, Karen Chan;

S. 590. A bill for the relief of Dr. Palem S. Rao, his wife, and their two minor children;

S. 591. A bill for the relief of Giuseppe Carlo Loprotto;

S. 592. A bill for the relief of Mario Simoes Da Fonseca;

S. 593. A bill for the relief of Ivonna Napolitano;

S. 594. A bill for the relief of Ailsa Ramati;

S. 595. A bill for the relief of Dr. Joseph J. Jeffries;

S. 596. A bill for the relief of Dr. Emmanuel Mendoza Maniango;

S. 597. A bill for the relief of Dr. Parviz Sahandy;

S. 598. A bill for the relief of Dr. Robert H. R. Haslam;

S. 599. A bill for the relief of Azucena de Borja;

S. 600. A bill for the relief of Myung Hi Kim;

S. 601. A bill for the relief of Fermina Marinias; and

S. 602. A bill for the relief of Ruggero Curzi, his wife, Maria Curzi, and their three children, Oscar Curzi, Fabio Curzi, and Loredana Curzi; to the Committee on the Judiciary.

By Mr. NELSON:

S. 603. A bill for the relief of Mr. Olusegun Adewale Oduko; and

S. 604. A bill for the relief of Mrs. Priscilla Jordan and Mrs. Nandipha Jordan Henderson; to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. ALLOTT, Mr. HANSEN, Mr. BENNETT, Mr. FANNIN, Mr. GOLDWATER, Mr. HATFIELD, Mr. MCGEE, Mr. MURPHY, and Mr. PACKWOOD):

S. 605. A bill for the relief of certain individuals; to the Committee on the Judiciary.

By Mr. MUNDT:

S. 606. 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. SCOTT:

S.J. Res. 25. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; 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.)

By Mr. JACKSON:

S.J. Res. 26. Joint resolution to provide for the development of the Eisenhower Na-

tional Historic Site at Gettysburg, Pa., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GOLDWATER:
S.J. Res. 27. Joint resolution to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Commerce.

By Mr. GOLDWATER (for himself, Mr. ARKEN, Mr. ALLOTT, Mr. ANDERSON, Mr. BATH, Mr. BIBLER, Mr. BURDICK, Mr. COTTON, Mr. GRANSTON, Mr. CURTIS, Mr. DODD, Mr. DOLE, Mr. EAGLETON, Mr. ELLEREND, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. HOLLAND, Mr. HRUSKA, Mr. HUGHES, Mr. INOUE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of North Carolina, Mr. LONG, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATIAS, Mr. MCCARTHY, Mr. MCLELLAN, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MILLER, Mr. MONTGOMERY, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PELL, Mr. PROUTY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SARKIS, Mr. SCOTT, Mrs. SMITH, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, Mr. SYMINGTON, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. TYDINGS, Mr. YARBOROUGH, Mr. YOUNG of North Dakota and Mr. YOUNG of Ohio):

S.J. Res. 28. Joint resolution providing for renaming the Central Arizona Project as the Carl Hayden Project; to the Committee on Interior and Insular Affairs.

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

S. 574—INTRODUCTION OF BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. JACKSON, Mr. President, I introduce, for appropriate reference, a bill which has been recommended by the Department of the Interior to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

I ask unanimous consent that the executive communication, including the text of the bill, and an explanation of its provisions be set forth at this point in the RECORD.

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

The bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, introduced by Mr. JACKSON, by request, 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. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the

Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

1. Missouri River Basin project, Oregon Trail division, Corn Creek unit, in south-central Goshen County, in the vicinity of Hawk Springs, Wyoming;
2. Missouri River Basin project, Longs Peak division, Front Range unit, in Cache la Poudre River and St. Vrain Creek basins and adjacent areas in the general vicinity of Boulder, Colorado;
3. Missouri River Basin project, Upper Republican division, Armel unit, on the South Fork of the Republican River in the vicinity of Hale, Colorado.

The letter and explanation presented by Mr. JACKSON are as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 18, 1969.

HON. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments." Authorization of feasibility studies as proposed by this bill is required by section 8 of the Federal Water Project Recreation Act of July 9, 1965 (79 Stat. 217; 16 U.S.C. 4601-19).

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill would authorize the Secretary of the Interior to engage in feasibility studies of three potential reclamation projects. Completed reconnaissance studies for each of the developments indicate that they are economically desirable, financially justified, and enjoy good local support. Feasibility studies are warranted. The Department proposes to undertake those studies as soon as the study authorization is available and the work can be fitted into the Bureau of Reclamation's planning program.

Supplementary statements of information of the three projects and justification for seeking feasibility study authority are enclosed.

The effects of the potential projects on water quality, recreation, fish and wildlife, historic, scenic, archeologic and aesthetic values will be considered fully in the feasibility studies authorized.

The Bureau of the Budget has advised, by letter of January 15, 1969, that this proposed legislation is in accord with the Administration's program.

Sincerely yours,
HARRY R. ANDERSON,
Assistant Secretary of the Interior.

Enclosures:
MISSOURI RIVER BASIN PROJECT, OREGON TRAIL DIVISION, CORN CREEK UNIT, WYOMING

Location: In south-central Goshen County in the vicinity of Hawk Springs, Wyoming.
Project Data: (Grayrocks Unit Reconnaissance Report, April 1965).

Total estimated cost.....	\$17,838,000
Adjustments ¹	73,000

Total to be allocated.....	17,911,000
Allocations Irrigation, 20,505 acres	17,911,000

¹ Future year capacity provisions \$48,000 and transitional development \$25,000.

Benefit-cost ratio: 1.17 to 1.0.
Description: The principal features of this Unit would be the Corn Creek Dam and Reservoir, a diversion dam and a system of pumping plants, canals, and laterals. The Unit would provide a full water supply for

11,000 acres of land and supplemental water for 9,505 acres now being irrigated but receiving an entirely inadequate supply. The plan also involves rehabilitation of some existing facilities.

Status: A reconnaissance report was completed in April 1965 which indicated that, while the Unit was somewhat marginal, this development is needed to bolster an economically-depressed farming area and that detailed studies to firm up the plan and evaluate fully the economic justification for the development are justified. There is also possibility the Glendo inundated water rights can be used as a source of water for this Unit. This would improve the economic feasibility of the development and will be considered in more detail in the feasibility study.

Justification: The primary problem of this agricultural area is uncertainty of precipitation. The precipitation pattern is cyclical with frequent drought that results in depletion of the livestock-carrying capacities of the ranges. The nature of the watersheds and insufficient storage capacities of existing reservoirs too often result in low water yield for irrigation. For example, the three existing irrigation districts have combined facilities for storing 25,265 acre-feet of water from Horse Creek and Bean Creek. This storage provided an estimated average of 0.56 acre-feet of water per acre at the farm headgates over the critical 1952-1962 period. This is far short of quantities needed for irrigated farming operations. The resultant reduction in agricultural income has had an adverse effect upon the farmers and other landowners. The nearby town of Torrington and other small towns in the area that are almost entirely dependent upon the prosperity of agriculture have also suffered as a result.

Local Interest: This investigation is strongly supported by the local people and the State of Wyoming. The local interests have formed the Corn Creek Reservoir Association which is supporting the project actively. Members of the association consist of representatives of the three private irrigation districts in the Corn Creek area and Goshen Irrigation District and new landowners. Petitions have been obtained which show that 90 percent of the owners of presently-irrigated land and 94 percent of owners of the new land area are highly in favor of proceeding with the feasibility study. Filings have been made with the State Engineer for storage water rights in Corn Creek Reservoir.

MISSOURI RIVER BASIN PROJECT, LONGS PEAK DIVISION, FRONT RANGE UNIT, COLORADO

Location: In the Cache la Poudre River and St. Vrain Creek basins and adjacent areas in the general vicinity of Boulder, Colorado.

Project Data: (Reconnaissance data of 1966 for Cache la Poudre area and 1967 for St. Vrain area).

	St. Vrain area	Cache la Poudre area
Total estimated costs.....	\$42,890,000	\$27,980,000
Adjustments.....	12,586,000	11,661,000
Total to be allocated.....	45,576,000	29,641,000
Allocations:		
Municipal and industrial water.....	39,136,000	25,136,000
Flood control, fish and wildlife and recreation.....	6,440,000	4,505,000
Total.....	45,576,000	29,641,000
Average annual yield, acre-feet.....	36,000	21,000
Average annual cost per acre-foot.....	\$46	\$52

¹ Interest during construction.
² At reservoir.

Description: This project would develop the water resource potential of the Cache la Poudre River and St. Vrain Creek basins and adjacent areas to provide municipal and industrial water for the cities of Boulder, Estes Park, Fort Collins, Longmont, Loveland, and other communities located along the front range of the east slope of the Rocky Mountains. On the basis of reconnaissance findings, the plan under consideration would involve a multipurpose dam and reservoir on the South Fork of the St. Vrain Creek at the Coffinpot site just above the town of Lyons and enlargement of the existing Union Reservoir on St. Vrain Creek. It also would require construction of a multipurpose dam and reservoir on the Cache la Poudre River at the Idywildie site about 45 miles northwest of Fort Collins, Colorado. Both reservoirs would provide substantial flood control, recreation, and fish and wildlife enhancement benefits. Alternative reservoir sites would be evaluated in more detail and consideration would be given to the possible integration with the existing Colorado-Big Thompson project which serves this same general area.

Status: Completed reconnaissance studies of both the St. Vrain area and the Cache la Poudre area indicate that, on the basis of available data, municipal and industrial water can be made available at less cost to the cities than some of the developments now being undertaken by the cities themselves and that detailed studies are justified. Because of the common service area, both developments should be studied concurrently.

Justification: During the 20 years between 1940 and 1960, urban population more than doubled in principal towns and cities situated on the high plains adjacent to the Front Range on the eastern slope of Colorado. Since the 1960 census, estimates have indicated similar population increases with an even greater rate of increase in some areas. These rapid population gains have placed increasing demands on water for municipal and industrial use and will exert still greater demands in the future. Reconnaissance studies show that, in order to meet the projected future municipal needs of the cities of Boulder, Estes Park, Fort Collins, Longmont, and Loveland, all feasible potential means of augmenting their present water supplies will have to be developed. Indications are that supplemental water will be needed from outside the South Platte River Basin to meet demands by 1995. Because of the physical and legal problems involved in attaining full development, feasibility studies should be initiated as early as possible to determine the most economic and desirable order of development for keeping pace with the water needs of the Front Range communities.

Local Interest: Meetings with consulting engineers and representatives of the interested communities have indicated that the costs for water supplies which the communities are currently developing are greater in some cases than those proposed in Bureau of Reclamation plans. For this reason, the various communities along the Front Range, including Boulder, Estes Park, Fort Collins, Greeley, Longmont, and Loveland have united in urging the Bureau to continue the studies of full utilization of east slope water sources. The Colorado Water Conservation Board has indicated interest in the Bureau undertaking the study. The cities and the State of Colorado contributed \$15,000 to expedite a reconnaissance study of the St. Vrain unit.

MISSOURI RIVER BASIN PROJECT, UPPER REPUBLICAN DIVISION, ARMEL UNIT, COLORADO

Location: On the south Fork on the Republican River in Yuma County in the vicinity of Hale, Colorado.

Project Data: (Definite Plan Report of 1954 revised to reflect current prices and benefits).

Total estimated cost	\$19,411,000
Adjustments	-----
Total to be allocated	19,411,000
Allocations:	
Irrigation—7,750 acres	6,411,000
Flood control	10,215,000
Fish and wildlife	965,000
Recreation	1,817,000
Total	19,411,000

¹ Includes costs \$13,303,600 associated with existing Bonny Dam and Reservoir.

Benefits cost ratio: 1.50 to 1.0.

Description: The unit includes the existing Bonny Dam and Reservoir and would provide for the construction of the Armel Canal and Pumping Plant to lift and supply irrigation water to tablelands north and east of the dam, and a distribution system of laterals and drains. Approximately 7,000 acres of land in the Armel area would be furnished a water supply for irrigation. The 750 acres of irrigated lands under the Hale Ditch would continue to be furnished a regulated water supply.

Status: The St. Francis unit was authorized by the Flood Control Act of 1944. Bonny Dam and Reservoir were constructed in advance of the finalization of irrigation plans as an emergency flood control measure. Construction was completed in 1951. A definite plan report relating to the irrigation features of the unit was completed in April 1954. Construction of the irrigation facilities was deferred because of a lack of interest in irrigation. Recently the farmers in the Armel area have indicated strong support for proceeding with the irrigation development as soon as possible. Passage of Public Law 88-442 required that all units of the Missouri River Basin not under construction as of the date of that Act be reauthorized by Congress. Therefore, feasibility study authorization is needed to bring the plans up to date and prepare a report for congressional consideration of construction authorization.

Justification: The unit is located in a predominantly agricultural area. Although dryland farming produces abundantly with adequate moisture, intermittent droughts and poor distribution of rainfall have impaired the agricultural economy and resulted in economic instability and insecurity. The lack of rainfall in recent years has been especially destructive to farm operations. Use of the available water supply in Bonny Reservoir would permit diversification of farm operations and balanced livestock programs and encourage the adoption of recommended soil conservation and farm management practices. Through irrigation, the local economy would be stabilized at a higher and more rewarding level.

Local Interest: Development of ground water and changing agricultural economies of Yuma County, Colorado, in the past few years have stimulated a growing interest in irrigation. Farmers in the Armel area invited Bureau officials to attend meetings for the purpose of obtaining information on the steps that would need to be taken to form an irrigation district. An eight-man steering committee has been formed to represent the group in promotion of the project. Local interest is so strong that there are more landowners interested in irrigation than there is water supply. The Colorado Water Conservation Board has also indicated its strong support for feasibility studies on the unit.

S. 575—INTRODUCTION OF BILL TO ENCOURAGE TRAVEL IN THE UNITED STATES

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill which has been recommended by the De-

partment of the Interior to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes.

I ask unanimous consent that the executive communication explaining the provisions of this proposed legislation be printed at this point in the Record.

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

The bill (S. 575) to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. HANSEN), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 16, 1969.
HON. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Act of July 19, 1940, authorizes the Secretary of the Interior, through the National Park Service, to encourage, promote, and develop travel within the United States. It authorizes the annual appropriation of not more than \$100,000 to carry out the purposes of the Act: "To encourage, promote, and develop travel within the United States, its Territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of the Interior through such Service."

The enclosed bill would provide appropriation authorization for such sums as may be required.

The 1940 Travel Act was a culmination of the travel promotion activities of the National Park Service, which began with its establishment in 1916. Funds were appropriated for travel activities in 1942 and 1943, and after being interrupted by World War II, in fiscal years 1948, 1949, and 1950, before being again interrupted by hostilities in Korea, and the necessity for reduced appropriations as a result thereof. With the launching of the Discover America program, at Vice President Humphrey's request, the National Park Service developed a travel information program for Washington as a model city program.

In January 1968, President Johnson's Industry-Government Special Task Force on Travel strongly recommended the National Park Service exercise its general authority under the 1940 Act as a means of achieving a truly national domestic travel promotion program. To accomplish this, the Service reprogrammed \$30,000 in fiscal year 1968 and \$100,000 in the present fiscal year, establishing a Division of Tourism to direct the program.

The Secretary of the Interior has assigned leadership and coordination responsibilities for the Department's tourist development to

the Assistant Secretary for Fish and Wildlife and Parks, and Marine Resources and has established within the National Park Service an Assistant Director for Travel and Information Service. The National Park Service can be particularly effective in the field of travel promotion. The national parks, monuments, historic sites, and recreation areas serve to "generate" travel and tourism, and this activity inevitably involves adjacent areas, sites, facilities, cities and other recreation areas. The program has great economic importance to domestic travel and to travel to the United States from foreign countries. But, such a program can also contribute understanding, appreciating, and perpetuating our Nation's cultural and natural heritage.

It is increasingly evident, however, that the existing ceiling of \$100,000 prevents the carrying out of a promotion program of sufficient scope to meet the national needs of today. Within the National Park System alone, there were but 16,000,000 visits in 1940, against 140,000,000 in 1967. In 1967 over 112 million visits were recorded on lands administered by other bureaus and offices of the Department of the Interior. The Bureaus of Land Management, Indian Affairs, Outdoor Recreation, Sport Fisheries and Wildlife, and Reclamation, and the Office of Territories are all deeply involved in tourism. A countrywide travel promotion program reflecting all of the Department's interests cannot be effectively developed within the existing ceiling. The President's 1970 budget provides \$225,000 for this program. Subject to fiscal constraints, larger amounts would be requested in future years to fully implement the program.

Development of a national program would require a professional and expanded approach to marketing and advertising as well as education and information. Full use would be made of modern means of communication: publications, traveling exhibits, films, posters, and the use of radio and television. While the National Park Service would cooperate with the United States Travel Service and develop materials and programs in multilinguals to encourage and support foreign visitors, the National Park Service program would be restricted to within the United States, and not overlap the overseas activities of the Travel Service. The National Park Service would consult with the United States Travel Service to insure full coordination of the two programs and to avoid duplication of effort. Even on the expanded scale, the projected program would be only a catalyst, insofar as the private travel sector is concerned, and would in no way compete with private agencies.

By letter dated January 16, 1969, the Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

MAX N. EDWARDS,
Assistant Secretary of the Interior.

S. 576—INTRODUCTION OF BILL RELATING TO EXTENSION OF RAT CONTROL PROGRAM

Mr. JAVITS. Mr. President, I introduce for myself and the Senator from New York (Mr. GOODELL), a bill to authorize \$20 million for rat control programs in fiscal year 1970. This measure extends the rat control programs instituted under the Partnership for Health Amendments of 1967, Public Law 90-174.

In September of 1967, the House of Representatives, in considering the Partnership for Health Amendments of 1967, added \$20 million for each of fiscal year 1968 and fiscal year 1969 to the author-

ization for State project grants for the purpose of rat control. However, this additional sum was not added for fiscal year 1970, the final year of authorization in this law. I am therefore introducing for myself and my colleague from New York, Senator GOODELL, a measure to correct this situation, increasing from \$80 million to \$100 million the authorization for Project Grants for Health Services Development under the Partnership for Health Act, with the understanding, as in 1967, that this increased sum will be used for rat control.

In the light of the estimated \$1 billion damage annually incurred by rats in the United States, this \$20 million additional authorization is a prudent investment. It is a modest proportion of the more than \$3 billion spent annually to dispose of the millions of tons of garbage and trash which harbor rats.

Rats are both an urban and rural problem. While thought of widely as a problem principally affecting the slum dweller, recent press reports of a large colony of rats infesting an exclusive block of Park Avenue in New York City bring home the realization that the rat problem belongs to us all. As one citizen was quoted as saying:

The idea of rats crawling around on children in the ghetto really hits home when you see them on Park Avenue.

There are 10 rodent-associated diseases carried by rats, of which the plague is the best known. Fortunately, all these afflictions are presently under control. However, rat bite, a problem associated primarily with heavy urbanization, continues to take a tragic toll, both recorded and unrecorded, in slum areas, especially among infants and young children. The poor who are obliged to live in rat-infested areas are perhaps the most seriously concerned for, as the National Commission on Civil Disorders pointed out in a memorandum to me, sanitation in the slums is a question uppermost in the minds of the urban poor.

It is my intention that the Committee on Labor and Public Welfare give prompt consideration to this legislation so that it might be enacted into law prior to congressional approval of the 1970 budget.

Mr. President, I do not wish to sound severe, but the subject of rats has turned out to be no laughing matter, either here or in the other body.

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

The bill (S. 576) to amend the Public Health Service Act to extend for one additional year the authorization of project grants for rat control, introduced by Mr. JAVITS (for himself and Mr. GOODELL), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 580—INTRODUCTION OF BILL FOR REHABILITATION OF THE RED BLUFF, TEX., IRRIGATION PROJECT

Mr. YARBOROUGH. Mr. President, today I am introducing a bill designed to restore the economic stability and pro-

ductivity in a significant area of my home State by rehabilitating the Red Bluff irrigation project on the Pecos River in west Texas.

The rehabilitation would provide a dependable water supply for irrigating approximately 22,000 acres of semiarid land in the Pecos Basin of Texas and upgrade the economy of four counties—Pecos, Reeves, Loving, and Ward.

The bill authorizes the Interior Department to rehabilitate, reconstruct, repair, and replace existing works of the Red Bluff Water Power Control District, and to acquire lands and interests in lands and other properties as necessary for such purposes in conformity with a 1965 plan of the Bureau of Reclamation.

The bill provides that the Secretary shall not proceed with construction until it is determined that the project benefits from the proposed rehabilitation will exceed project costs, and until a contract with the irrigation district, providing for repayment of construction costs has been arranged. Since it is considered as a rescue project, however, the bill provides that the district repay, over a 50-year period, "such portion of the cost as is within the repayment ability of the organization, as determined by the Secretary of the Interior."

Mr. President, this bill is of great significance to the four counties mentioned above. They are all situated in the Pecos River Basin and have traditionally made use of the Pecos River for irrigation. Development in the area has relied on the oasis created from the river and 40 years ago, there were many small farms sustaining their crops from irrigation.

Yet, the situation has deteriorated due to a lack of a dependable source of water and an assured quality of the water. The situation is a human one—it is not a matter of acre-feet of water but of the livelihood of the people in the area. These are a hard working people, willing to work for and cooperate in support of this project. They are also willing to participate financially in as much of the project as they can.

Because of the great necessity, the willingness of the people in the area, and the theoretical soundness of the project, I am today introducing this bill in the Senate, as Congressman RICHARD WHITE is in the House, and ask unanimous consent that it be printed in full at the close of my remarks.

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

The bill (S. 580) to authorize the Secretary of the Interior to provide for rehabilitation of the distribution system, Red Bluff project, Texas, introduced by Mr. YARBOROUGH, 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. 580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of providing a dependable water supply for the irrigation of approximately twenty-two thousand acres of semiarid lands

in the Pecos River Basin, Texas, and for economic redevelopment in Reeves, Loving, Pecos, and Ward Counties, Texas, the Secretary of the Interior is authorized to rehabilitate, reconstruct, repair, and replace existing works of the Red Bluff Water Power Control District, and to acquire lands and interests in lands or other property as may be necessary or proper for such purposes, all in substantial conformity with the plan for rehabilitation of the distribution system, Red Bluff project, Texas, prepared by personnel of the Bureau of Reclamation, on May 21, 1965. The Secretary is also authorized to rehabilitate, repair, and reconstruct existing laterals and drains needed for the effective and economic operation of the project and to build additional laterals and drains therefor, only if he determines that the Red Bluff Water Power Control District is unable to obtain reasonable non-Federal financing to perform said work.

Sec. 2. The Secretary shall not proceed with construction of this project until the Secretary determines that the project benefits from the proposed construction and rehabilitation will exceed project costs, and he has adequate assurance in the form of a contract or contracts with an organization established under the laws of Texas and having powers satisfactory to the Secretary including the power to tax all real property within its boundaries (1) that such organization will operate and maintain all works authorized by this Act in accordance with standards for operation and maintenance as established by the Bureau of Reclamation; (2) that said organization will operate such works and distribute water conveyed thereby under regulations requiring that water users supplied by means of such works use sound irrigation practices for lands within the service area of said organization; (3) that said organization will return to the United States during a fifty-year period from the date of completion of the works authorized by this Act, and under terms and conditions satisfactory to the Secretary, such portion of the cost of constructing such works as is within the repayment ability of said organization, as determined by the Secretary; and (4) that costs properly allocable to irrigation, as determined by the Secretary, which are in excess of those contracted to be returned pursuant to this section shall be nonreimbursable.

Sec. 3. Nothing contained in this Act shall be construed so as to abrogate, amend, modify, or be in conflict with any provision of the Pecos River compact.

Sec. 4. The facilities constructed under the authority of this Act, except as otherwise provided herein, shall be operated and maintained in accordance with appropriate provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388) and Acts amendatory thereof or supplementary thereto: *Provided*, That the excess-land provisions contained therein shall not be applicable to lands or to the ownership of lands which receive water from the works authorized by this Act: *Provided further*, That in lieu of the acreage limitations contained therein, all contracts for irrigation water supply from works authorized by this Act shall include provisions requiring that such water supply shall be used on lands determined by the organization mentioned in section 2 above to be free draining and capable of productive irrigation: *And provided further*, That no landowner shall receive from works authorized by this Act a water supply greater in quantity than that reasonably necessary to irrigate one hundred and sixty acres of such land.

Sec. 5. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this Act.

S. 583—INTRODUCTION OF BILL RELATING TO THE U.S.S. "UTAH"

Mr. MOSS, Mr. President, a handsome monument has been erected over the hulk of the U.S.S. *Arizona* in honor of the 1,102 men who died in the Japanese attack on Pearl Harbor, and the colors are flown there every day.

But almost no recognition has been given to the 54 other officers and men who lost their lives in the Japanese attack on Pearl Harbor, who lie entombed in the U.S.S. *Utah*, only a mile or two from the *Arizona*. The resting place of the dead in the *Utah* is marked by only a small plaque on the deck of that ship fully visible in the harbor.

The men of the U.S.S. *Utah* deserve recognition. I am, therefore, introducing today, for myself and Senators BAYH, BENNETT, BIBLE, BURDICK, CANNON, CASE, COOPER, CURTIS, DODD, EASTLAND, ERVIN, GOLDWATER, GORE, HARRIS, HART, HRUSKA, HUGHES, INOUE, JAVITS, MAGNUSON, MCGEE, METCALF, MONDALE, MONTGOMERY, MUSKIE, PEARSON, PELL, PROUTY, RANDOLPH, STEVENS, TALMADGE, TYDINGS, WILLIAMS of New Jersey, YARBOROUGH, and YOUNG of Ohio, a bill directing the Secretary of the Navy to erect a flagpole over the hulk of the U.S.S. *Utah*, on which the colors will be raised and lowered each day.

I introduced similar bills in the 88th, 89th, and 90th Congresses. Each bill has been cosponsored by more than a third of the Members of the U.S. Senate. So far no hearings have been held by the Senate Armed Services Committee. I have reason to hope that in the 91st Congress hearings will be held on this bill and it will be passed. The dead of the U.S.S. *Utah* have been too long neglected.

Many States—and certainly every area of the country—has one or more of its boys listed among the *Utah* dead. Of the 54 men whose bodies were not found or identified, 13 gave California as their home State; 11, Texas; three each Illinois, Iowa, Washington State, and New York; two each Colorado, Missouri, Virginia, and Massachusetts; one each Kentucky, Arkansas, Minnesota, Louisiana, Michigan, Oregon, Ohio, Nebraska, and one who did not list his home. His record, however, showed he was born in Iowa. Another man was a native of the Philippine Islands. Many men showed next of kin in States other than their home at the time of enlistment, so there is hardly a State which is not touched in some way by the ghostly hands of those entombed in the U.S.S. *Utah*.

We all salute these men who gave their lives for us, and we should demonstrate our gratitude by seeing that a flag is flown over their watery grave. Next December will be the 27th anniversary of Pearl Harbor. There must be no further delay on the U.S.S. *Utah* bill.

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

The bill (S. 583) to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941, introduced by Mr. MOSS (for himself and other Senators),

was received, read twice by its title, and referred to the Committee on Armed Services.

S. 585—INTRODUCTION OF BILL RELATING TO APPOINTMENT OF AN ADDITIONAL DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. FANNIN, Mr. President, on behalf of myself and Mr. GOLDWATER, I introduce, for appropriate reference, a bill to provide for the creation of one additional judgeship position in Arizona.

The Judicial Conference of the United States released last fall the committee's recommendations and I note that the Conference determined on the basis of their thorough review that an additional judgeship was needed. These recommendations were based on an examination of statistics and an analysis of the dockets of the court.

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

The bill (S. 585) to provide for the appointment of an additional district judge for the district of Arizona, introduced by Mr. FANNIN for himself and Mr. GOLDWATER, was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 25—INTRODUCTION OF JOINT RESOLUTION RELATING TO ELECTORAL REFORM

Mr. SCOTT, Mr. President, I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President.

It is hardly necessary to remind the Senate of the grave constitutional crisis which almost became a reality just 2 months ago. The chaos which would have followed might have sounded the death-knell for our tradition of government by the people. The lesson learned from the harrowing experience is simple enough: electoral college reform must be realized without further delay.

My proposal is a modified version of the so-called district plan. Under this version, the office of elector is abolished, thus doing away with the dangerous arbitrariness of casting votes. The recent Senate vote dealing with the faithless elector, Dr. Bailey of North Carolina, who was pledged to Richard Nixon but cast his vote instead for George Wallace, highlighted one of the weaknesses of the electoral college system.

The allocation of electoral votes by congressional district, however, is retained under my plan. I believe that this method of electing the President and Vice President will do more than any other proposal yet put forth to maintain our federal system of government.

The mechanics of my plan follow an orderly pattern. A presidential ticket winning a plurality of a State's popular vote would win two electoral votes, corresponding to that State's representation in the U.S. Senate. The ticket would also win one additional electoral vote

for each congressional district which it carried by plurality. Under this proposal, as under the present system, the total number of electoral votes from each State would equal the number of Members in the U.S. House of Representatives and the U.S. Senate from that State.

The presidential ticket receiving a majority of the total number of electoral votes cast would be elected. If no presidential ticket obtained a majority, Congress in joint session would select a President and Vice President from the top three tickets.

I believe that my proposal offers an improvement on the present system. For one thing, it will end this problem of the disenfranchised voter by doing away with the winner-take-all method. It will tend to strengthen the two-party system, the real bulwark of our Government, by encouraging the minority party in currently one-party States. More importantly, it will not enhance the chances of splinter parties because they could have little hope of diverting more than a few electoral votes from one major party candidate.

The time is ripe for electoral reform. What we witnessed in the 1968 presidential campaign need not ever happen again. The Congress of the United States owes it to the people it serves to correct this most antiquated structure of government.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 25) proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 28— INTRODUCTION OF JOINT RESOLUTION PROVIDING FOR RENAMING THE CENTRAL ARIZONA PROJECT AS THE CARL HAYDEN PROJECT

Mr. GOLDWATER. Mr. President, I rise to introduce a joint resolution that provides for the renaming of the central Arizona project as the Carl Hayden project. I introduce this measure on behalf of myself and 62 other Senators.

Mr. President, Carl Hayden has served with distinction in the U.S. Congress for the unsurpassed period of 57 years, including 42 years of consecutive service in the Senate of the United States.

Carl Hayden has dedicated his life-work to public service, having been elected treasurer of Maricopa County, Ariz., in 1904 and sheriff of such county in 1906 and 1908, and having served as a Member of Congress from the State of Arizona since its admission into the Union, first as a Member of the House of Representatives from February 19, 1912, to March 3, 1927, and then as a Member of the Senate from March 4, 1927, to January 3, 1969.

As the result of his vision and ability, and his unrelenting efforts for a period of two decades in participation with

other Members of Congress from Arizona, Carl Hayden was successful in bringing about the enactment in 1968 of legislation authorizing the central Arizona project.

It is fitting and proper that a suitable monument be dedicated in tribute to Carl Hayden and in recognition of his unique contributions.

Therefore, I, along with 62 other Senators, ask that it be resolved in the Senate and in the House of Representatives that the Colorado River Basin project be amended by striking out "central Arizona project" at each place that it appears in such act and inserting in lieu thereof at each such place "Carl Hayden project."

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

Mr. GOLDWATER. I yield.
Mr. HOLLAND. Mr. President, I ask that the Senator permit me to join as a cosponsor on that particular proposal.

Mr. GOLDWATER. I am very happy to do so.

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

Mr. COTTON. Mr. President, I make the same request.

Mr. GOLDWATER. I thank the Senator.

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

Mr. GOLDWATER. Mr. President, in connection with this proposal I submit the names of the cosponsors. I ask unanimous consent that there be printed after the joint resolution an article which appeared in the Los Angeles Times West magazine of January 5, written by Nick Thimmesh, entitled "Carl Hayden."

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and article will be printed in the RECORD.

The joint resolution (S.J. Res. 28) providing for renaming the central Arizona project as the Carl Hayden project, introduced by Mr. GOLDWATER, for himself and Senators AIKEN, ALLOTT, ANDERSON, BAYH, BIBLE, BURDICK, COTTON, CRANSTON, CURTIS, DODD, DOLE, EAGLETON, ELLENDER, ERVIN, FANNIN, FONG, GRAVEL, HARRIS, HARTKE, HATFIELD, HOLLINGS, HOLLAND, HRUSKA, HUGHES, INOUE, JACKSON, JAVITS, JORDAN of North Carolina, LONG, MAGNUSON, MANSFIELD, MATHIAS, MCCARTHY, McCLELLAN, MCGOVERN, MCINTYRE, METCALF, MILLER, MONTYOYA, MOSS, MUSKIE, NELSON, PACKWOOD, PEARSON, PELL, PROTTY, RANDOLPH, RIBICOFF, SAXBE, SCOTT, SMITH, SPARKMAN, SPONG, STEVENS, SYMINGTON, TALMADGE, THURMOND, TOWER, TYDINGS, YARBOROUGH, YOUNG of North Dakota, and YOUNG of Ohio, 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.J. Res. 28

Whereas Carl Hayden has served with distinction in the United States Congress for the unsurpassed period of fifty-seven years, including forty-two years of consecutive service in the Senate of the United States; and

Whereas Carl Hayden has dedicated his life-work to public service, having been elected treasurer of Maricopa County, Arizona, in 1904 and sheriff of such county in 1906 and

1908, and having served as a Member of Congress from the State of Arizona since its admission into the Union, first as a Member of the House of Representatives from February 19, 1912, to March 3, 1927, and then as a Member of the Senate from March 4, 1927 to January 3, 1969; and

Whereas, as the result of his vision and ability, and his unrelenting efforts for a period of two decades in participation with the other members of Congress from Arizona, Carl Hayden was successful in bringing about the enactment in 1968 of legislation authorizing the Central Arizona Project; and

Whereas, it is fitting and proper that a suitable monument be dedicated in tribute to Carl Hayden and in recognition of his unique contributions: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Colorado River Basin Project Act is amended by striking out "Central Arizona Project" at each place that it appears in such act and inserting in lieu thereof at each such place the following: "Carl Hayden Project".

SEC. 2. In addition to the amendments made by the first section of this joint resolution, any designation or reference to the Central Arizona Project (described by section 301 of the Colorado River Basin Project Act) in any other law, map, regulation, document, record, or other paper of the United States shall be held to designate or refer to such project as the "Carl Hayden Project".

The article, presented by Mr. GOLDWATER, is as follows:

[From the Los Angeles Times West magazine, Jan. 5, 1969]

CARL HAYDEN—AFTER 57 YEARS, THE SENATE'S LAST FRONTIERSMAN GOES HOME (By Nick Thimmesh)

He is a bent, withered figure now, who is shuttled between his apartment in the Methodist Building and his Senate office a block and a half away. When his infirmities command, his chauffeured Lincoln Continental takes him to Bethesda Naval Hospital for rest and care. At 91, Carl Hayden, 57 years on Capitol Hill, is the senators' senator. He is finishing his last days of official duties for his beloved Arizona and the United States as well.

Hayden has witnessed the great burgeoning of his country. When he was born in 1877, the U.S. population was one fourth of what it is now. The Civil War was a fresh memory, but ahead were the Spanish American War, World Wars I and II, and the Cold War with its Koreans and Vietnamese. The first airplane hadn't been flown, the first gasoline engine hadn't turned, the electric streetcar and automobile hadn't moved, movies and radio were yet to be experienced and creations like penicillin and atomic energy were generations away. Even on Capitol Hill, where silver hair and seniority are commonplace, Hayden's age is spoken of in superlatives. He almost seems to belong there with the statuses of early American heroes, the quill pens, and the antiquarian practice of sprinkling sand on freshly inked documents.

There is a plan to fly him to Phoenix and install him in a six-room town house near the Shalimar Golf Course. Those who look after him say he would be happy in that greensward setting. "He wants to get back to Arizona," says his nephew Hayden C. Hayden, 47, owner of the century-old Hayden Flour Mills at Tempe. "He wants to work on his memoirs and the history of Arizona. He'll have his housekeeper with him. Even though most of his old friends are gone, there are still a few around in their seventies. He's done his job and wants to come home."

There is something incongruous, however, to think of Hayden, a man who spent the first third of his life in frontier Arizona and the rest in the halls of Congress, sitting in a

tidy room, with its wall-to-wall carpeting, enveloped by contemporary concrete at Shalimar.

A few years ago the late President John F. Kennedy, in a testimonial dinner for Hayden, said: "Every federal program which has contributed to the West—irrigation, power and reclamation—bears his mark. And the great federal highway program which binds this country together, which permits this state to be competitive east and west, north and south—this in large measure is his creation."

The Hayden record shows that he introduced bills to construct railroads; that he was the sponsor in 1919 of the 19th amendment to the Constitution, extending the right of suffrage to women; that he sponsored and managed the House bill to establish Grand Canyon National Park; that he was co-sponsor of the bill to create the Coolidge Dam; that it was the Hayden-Cartwright Bill which provided for the beginning of the interstate highway system; that he co-sponsored the first bill to authorize the Colorado River storage project; and that he sponsored and guided through the Senate the now celebrated and quite tardy Central Arizona Project. As chairman of the Senate Committee on Appropriations, Hayden held the purse strings on billions of federal dollars. No matter what other committees do, there is no meaningful action on any legislation until the Appropriations Committee has its turn. Hayden had to wait until he was 30 years old before he assumed this vast power. Additionally, he has been President Pro Tempore of the Senate since 1957, which means he was third in line for the Presidency, after the Vice President and the Speaker of the House.

He was born the son of a Connecticut Yankee who had migrated West after teaching school in Indiana and Kentucky and who later became a trader along the Santa Fe Trail. Charles T. Hayden established a store near Tubac, Arizona, in 1856 and went on to become probate judge of Pima County in 1864. Early advertisements had him promising four months delivery of shipments from Cincinnati, although the Hayden wagon trains usually took eight months. When the Confederates invaded New Mexico, Hayden had to recoute merchandise by shipping it around Cape Horn to San Francisco and then into Arizona by mule trains.

The Hayden log is rich with entries about Indian attacks at Whiskey Gulch, of employees murdered by Apache raiders and considerable financial trouble.

A Tucson newspaper in March of 1872 had the following item: "Last Tuesday's stage carried away Judge C. T. Hayden from New York via Ehrenberg and San Francisco. Also M. Goldwater and Internal Revenue Collector Thomas Cordes for Prescott."

"M. Goldwater" was "Big Mike" Goldwater, grandfather of Senator Barry Goldwater. Big Mike, who was one of 22 children of a Polish-Jewish innkeeper, and his brother, Joseph, came to the Arizona Territory after gold was discovered at La Paz, on the Colorado River in 1862.

As the military gradually moved into the territory of Arizona, Hayden and the Goldwater brothers competed for government contracts to provide wheat and feed grain to the army in Prescott. Phoenix became known as a farming center and consequently became the most stable community in the territory. Frontiersmen usually married late in life and both Charles Hayden and Big Mike were in their fifties when they took wives. Eventually the Haydens and the Goldwaters located near Phoenix, the Haydens building a flour mill at Tempe, then known as Hayden's Landing, and the Goldwaters locating in the village of Phoenix. Big Mike's eldest son, Morris, actually owned farm land adjacent to Hayden's mill. Morris, at age 20, had opened the first Goldwater store in Phoenix in 1872. A few years later Morris helped organize the Arizona Democratic Party and be-

came known as a conservative Jeffersonian Democrat. He served as mayor of Prescott for 22 years. He died in 1939 at 87. He had been on the frontier since he was 16. His younger brother, Baron, who had lived in San Francisco, was more urbane when he came to Phoenix in 1895 to manage the Goldwater store there. He was the father of Barry Goldwater.

The Goldwaters were effective merchants, had the first passenger elevator of any department store in Arizona, featured home delivery, and established buying offices in New York City. The Haydens were not having comparable business success. But early newspaper accounts describe the grand parties that Charles T. Hayden threw at his ranch near Hayden's Mill, occasionally with dancing until four a.m. "Lavish benevolence," said one newspaper of Hayden entertaining.

The Arizona Citizen of October 13 carried this item: "Born—at Hayden's Ferry, Maricopa County, Arizona, October the 2nd, 1877, to the wife of Judge Charles Trumbull Hayden, a son. We are advised that this newcomer weighed nine pounds and ten ounces at his birth. Judge Hayden is a very enterprising citizen, and we congratulate him on this among his other successes generally."

Young Carl Hayden's boyhood was a rather adventurous one as his father believed in allowing his son to travel freely. In 1890, when Carl was 13, he was taken to Washington to see the last parade of the Grand Army of the Republic. Carl Hayden recalls that he climbed up one of the gateposts in front of the White House to watch the old Union veterans pass by.

His father even allowed him to travel alone. Carl made a horseback trip into Grand Canyon when he was 14, went alone to Mexico City for sightseeing, and in 1893, when he was 16, took the train to Chicago where he visited the World's Fair. When friends of the Haydens expressed indignation over this freedom given to Carl, his father replied: "If he can't take care of himself at this age it's high time he was learning."

Most of young Carl's life, however, was spent around the Hayden farm, located on a bluff over the Salt River at Tempe. The setting was actually quite rural with fields of corn, pumpkins and alfalfa. Though Hayden's mother was attacked by a drunken Indian on July 16, 1880, Phoenix was not a site for Indian fighting. However, young Hayden heard many stories about Apaches on the warpath from his father. One writer in Arizona claims that C. T. Hayden was even known for taking scalps.

After graduating from high school he went to the Tempe Normal School, which his father had founded and which is a present campus of the Arizona State University. In 1896, he enrolled in Stanford University to study economics. It was here that he met "the most beautiful girl that ever lived," Nan Downing, a student of English literature. They were married on February 14, 1906, honeymooned in Grand Canyon, and for 57 years Hayden carried a photo of her, taken when she was 27. He called her "Pal" and she called him "Bug." At Stanford, Hayden, who had been a rather spindly young man, gained weight and made the football team as a lineman. He befriended another young student, Herbert Hoover, and took part in politics for the first time by being defeated in a class election.

After his father died in 1900, Carl Hayden learned of the bad financial state of the family business. But C. T. Hayden, an outgoing man, left a different legacy. He had been so popular that at one point both Republican and Democratic parties claimed him, though he had served as a Democratic member of the Tempe City Council.

So, the Hayden name was good enough for young Carl to use as an entry to politics. "Hayden went into politics because his dad

died broke," says his onetime administrative assistant Paul Roca. "In those days you could make a good living as a public official." Young Carl was easily elected to the Tempe town council in 1902, as treasurer of Maricopa County in 1904, and to sheriff of that county in 1906.

Hayden admits that he didn't fit the stereotype of the frontier sheriff. "I never shot at anyone and nobody ever shot at me," he once confessed. "About the nearest I ever came to shooting was the day I identified a horse thief who was supposed to be badly wanted in Utah, Colorado and Wyoming."

"I found him standing at a bar. I stuck my gun in his back, took his pistol away from him. To give me time to notify law officers in the other states the justice of the peace put him in jail for ten days on a concealed weapons charge. They weren't interested enough to come and get him, so I turned him loose at the end of ten days. I told him that as long as he didn't steal any horses in Arizona it was all right with me."

Another time Hayden was called to pursue two train robbers who had escaped on horseback. Hayden sent Indian scouts after the scoundrels. For himself, he commandeered an Apperson Jackrabbit, an automobile of the times. With the galloping Indians and chugging Apperson Jackrabbit in pursuit, the train robbers didn't have a chance and were quickly collared. This was a rare episode, however. Most of Hayden's work was collecting fees from the local bars, gambling establishments and houses of prostitution. His pay as sheriff was a percentage of these fees.

Hayden had never planned on a political career, but, as it often happens, he was swept into politics by a confluence of separate events. He had become a popular sheriff, and no one in Phoenix, which was then a city of 10,000, knew more people than Hayden. He was also an unusual sheriff. Besides his peaceful approaches to the law, he drew attention because of his distaste for hangings. It had been the lot of Arizona sheriffs to conduct the rope rituals. Hayden, who didn't like this grisly duty, made the first recommendations to the then territorial legislature that the executions be conducted by the warden of the state prison rather than by sheriffs.

He also developed a reputation in the Arizona National Guard. In 1904 he was asked by the territorial governor to become a captain in that state's lagging guard. Hayden agreed, traveled the state and made more friends.

By 1911, Arizona was moving rapidly towards statehood. In February of that year, an overwhelming majority of the 15,489 voters who turned out approved a new state constitution. A December date was set for the election of a governor, two senators, and one congressman, all of whom would take office when Arizona became a state in February, 1912. About 80 percent of the state's 210,000 people lived in rural areas. Indians wearing only loin-cloths were a common sight, roads were primitive, and it would be 14 years before the main line of the Southern Pacific Railroad would traverse the state. Phoenix, a farm center, contrasted with the rest of Arizona. Its newspapers advertised: "Scott's emulsion for the thin, feeble and underfed. . . be an Indian girl, give a Navajo blanket. . . see *The Clansman* at the Elks Theater Friday. . . View the new Chalmers car. . . Don't miss the Vanity Fair girls in *Red Rose* at the Elks Theater."

Arizona, though ruled by a Republican territorial governor, was a Democratic state with a Southern coloration. Republicans were considered carpetbaggers. If a man wanted to get ahead in politics, he had to be a Democrat. The Haydens had been Democrats, Carl even expressing Free Soil sentiments and support for William Jennings Bryan. He was at Camp Perry, Ohio, with the guard at the national rifle matches when he decided, in the summer of 1911, to run for Arizona's sole congressional seat.

He campaigned in the old style, of course; visited all his guard friends across the state, as well as all the county courthouses and sheriff offices, and concluded his campaign with a rally in Phoenix. On December 9, 1911, three days before the election, the *Arizona Gazette* told how "600 persons, all the Aldrome would hold, turned out for that popular townsman Carl Hayden." In the state count, Hayden got 11,566 votes and his Republican opponent, Jack Williams, of Tombstone, received 8,485. Women and Indians didn't vote then and this accounts for the relatively small turnout.

From then on, Hayden's only real competition came in the Democratic primaries. His majorities ranged as high as five to one.

In Washington, Hayden became known as a "service congressman," diligently answering constituents' mail, sending out all manner of government publications and packets of flower and vegetable seeds. The problems of Arizona concerned water, cattle, military bases, grazing rights, Indian reservations, mining, federal lands, roads and post offices—all seemingly routine stuff today, but vital to Arizonians then.

In early 1922, representatives of Arizona and six other western state governments met to discuss the division of the Colorado River water. The states devised a plan to divide this water and signed what is known as the Colorado River Compact. The only state legislature refusing to ratify the compact was Arizona's and this resulted when Governor Hunt, a contentious fellow, campaigned in 1922 on a pledge to block this ratification. Hayden was a man slow to anger but he was angry over this one. He went before the legislature himself and pleaded that the compact be ratified. When his wishes weren't followed, he vowed never again to go before a legislature on any subject. It wasn't until 1944 that Arizona finally ratified the compact, and the current Central Arizona Project is an outgrowth of that ratification. The 22-year delay is largely explained by the continuing and acrimonious squabble over the Colorado River between California and Arizona.

By 1926, Carl Hayden's name was so sure a shot in politics that he easily won the senatorial primary. He campaigned the state, as he had for Congress, described his Democrats as a "militant and united party," and attacked California's stand on the Colorado River and Hoover Dam as "customary selfishness," thus endearing himself to Arizonians. As the campaign progressed, Hayden seemed the favorite over his Republican incumbent opponent, Senator Ralph H. Cameron.

Scarcely a week before the election, however, Cameron suddenly made the startling charge that Hayden has been the beneficiary of a \$100,000 slush fund from the copper interests. Cameron urged voters to listen to radio station KPAD and "hear the old fighter give some of the hot shots on slush funds." A quick Senate investigation, however, revealed that the slush fund accusation was a flop. Democrats immediately countered that Cameron himself has a slush fund in 1920.

Meanwhile advertisements richly proclaimed Hayden as "... the Arizona stalwart champion, the worthy son of a noble sire," and cited his votes for veterans pensions, inheritance taxes and increases in wages for postal employees. Hayden swamped Cameron 25,918 to 17,980 votes and began a career in the U.S. Senate which was to span 42 years.

As a senator, Hayden rarely got his dander up. He followed a philosophy of: "To get along you must go along." Once, when California Senator Thomas Kuchel became quite angry during a Senate Appropriations Committee hearing over what he thought was Hayden's high-handed handling of the Central Arizona Project question he demanded:

"What kind of government is this?" Hayden replied softly: "It's the will of the majority."

To look over Hayden's record it is hard to find a time when he ever had what even could approach a crisis. He got into a fix in 1932 because he had voted for prohibition, against repeal, and he had also voted against a veterans bonus. In the primary that year his opponent passed the word that Hayden was a slacker in World War I, was against veterans and was for prohibition. In those days there was no more powerful organization in Arizona than the American Legion. Hayden went before the state convention of the Legion, was roundly booed, finally attacked the scurrilous circulars and declared: "I want to face my accuser. I voted for the war, the appropriations, and the draft, I enlisted myself and I admit I was against a bonus because I think the country is close to bankruptcy and we can't afford it." Hayden left the platform with a look of anger on his face. He won that 1932 primary easily and in the fall defeated his Republican opponent by a score of 74,000 votes to 35,000. It wasn't until 1962 that Hayden encountered any difficulty in a Senate campaign.

Indeed, a consensus formed around him. "Carl was everybody's boy," says an old Arizona politician. "All organized groups, business, labor, the miners, the farmers, the ranchers—all were for him, all contributed to his campaign." He had become the Arizona senator.

Carl Hayden worked on Capitol Hill for 57 years but was often uncelebrated because he was, as Harry Truman once said, "the silent senator." Hayden's first speech in the House of Representatives was a plea for appropriations to fight forest fires in Arizona. When he sat down a fellow congressman said to him: "You just had to talk. Every word that you said was taken down by that reporter. It will be printed in the Congressional Record and you can never get it out. There are two kinds of congressmen—showhorses and workhorses. If you want to get your name in the newspaper be a showhorse, but if you want to gain the respect of your colleagues, keep quiet, be a workhorse and speak only when you have the facts."

Hayden followed that advice to the letter. He never spoke from the floor, and instead of invoking the privilege of sitting in the front row in the Senate he sat in the third row from the back. A Senate colleague once said admiringly: "Carl could walk through fresh snow and never leave tracks." As the years went on, Hayden, who once stood better than six feet tall, shrank to five feet, nine inches, and became the stooped, hardworking elf of the Senate, particularly as chairman of the Senate Appropriations Committee. He described his function: "It is my job to look over the budget and provide money to carry on. If I put my time in making speeches I couldn't attend to business. That's all." When a young Massachusetts senator named John F. Kennedy arrived in the Senate, he tried to strike up a conversation with Hayden by asking him the difference between the modern Senate and the Senate of 80 years before. Hayden looked at young Kennedy, chewed on his cigar and said: "Young men didn't talk so much then." Kennedy left somewhat chastised, but fondly recalled the story years later at Hayden's 50th anniversary dinner.

There are hallmarks to the Hayden style. Hayden firmly believed in the filibuster, using that device to protect Arizona. Another noted hallmark was Hayden's almost gentle use of his power. One senator claims that Hayden could have swung the initial Atomic Energy Commission installation to Arizona rather than allowing it to be located at Los Alamos, New Mexico. Hayden was always a party regular and could be counted on for his swing vote, though his voting record was generally liberal.

But Hayden would not make advance com-

mitments to legislative proposals. "I must use my own judgment when the time comes for a vote," he explained.

Hayden was glad to lose one to win two, and over the years this can mean a respectable number of victories. The utter patience which Hayden demonstrated on the Central Arizona Project is the best evidence of this trait. It wasn't until September 30, 1968, that President Johnson signed the \$1.3 billion Colorado River-Central Arizona Project bill which in effect left Hayden in the envious position of being a senator who had seen all of his announced goals realized. At the signing, Johnson recalled that when he was waiting to be sworn in as a senator in 1949 Senator Hayden "propositioned me about the Central Arizona Project."

In recent years, the doddering figure of Hayden on Capitol Hill caused many to privately question his competence. But Hayden was a deceptive old fellow. Those who attended Senate Appropriations Committee meetings often perceived him to be on the verge of falling asleep when suddenly Hayden would raise his head and pop a question like: "How come you spent that \$3 million up last year?" Any inquiry on water resources immediately alerted him to the edge of his chair.

The Haydens lived in virtual seclusion for many years in apartment 504 in the Methodist Building opposite the Supreme Court and were seldom seen at receptions. They had no children. Hayden's wife suffered a severe stroke in 1941, when she was 68, and was an invalid until her death in 1961. Senator Barry Goldwater was one of the most grief-stricken of the mourners. She had been cared for by Miss Frances Doll, who still serves as nurse and housekeeper to Hayden, and plans to return to Arizona with him.

Friends say that Hayden bore his sorrow very well, but the year worsened when he ran into a bad run of poor health. First he contracted a stubborn flu, then a debilitating intestinal condition. For a while in early 1962, it appeared he wouldn't be able to run for his Senate seat again. He did, but in the fall the rumor spread through Arizona that the 85-year-old Senator had died and the name on the ballot represented a man no longer with us. On the Saturday before that 1962 election it was necessary for Hayden to stop the rumors by getting out of his bed at the Bethesda Naval Hospital to hold a press conference for Washington newsmen, who quickly wrote stories attesting to the fact that Hayden was not well but was alive. Hayden won that 1962 election by a count of 189,287 to 155,526, a small margin for him.

Yet when Hayden was around Capitol Hill, he was always quite visible. He insisted on eating in the Senate cafeteria, favoring a lunch of a hot dog, bean soup, a glass of milk and then a cup of half cream, half coffee. He usually had a cigar in his mouth and used his cane to wave people onto elevators. His aides report that the senator, as a pedestrian, experienced a number of near misses from speeding cars on Capitol Hill in the past couple of years. In 1965 he had another succession of illnesses which nearly finished him. Antibiotics produced what was described as the worst case of hives ever seen in Bethesda Naval Hospital. He also suffered from a severe loss of hearing. Yet he survived, called for his favorite bourbon, and greeted senators way past social security age, with "All right, Sonny." He could boast that he had all his teeth, save two, and though he was stooped, his legs, heavily muscled from many miles of walking as a boy in Arizona, remained strong.

On his 86th birthday, Hayden wrote to an old friend that shared his October 2 birthday, then-retired Francis Green who was 96 that day. The letter read: "To Ted Green, my warmest wishes, tendered with the natural respect that one has for his elders. Although your birthday added to mine make

us jointly only five years younger than the United States of America, friendship observes no such measure of time. Like the ancient sun dial, we have counted none but fair hours, Carl Hayden." Green lived until 1966, when he was 98 years old.

Over the years, Hayden served a constituency made up largely of ranchers, miners and farmers. But a great change was going on in the United States and Arizona as well. The old constituency which had reelected and reelected Hayden diminished in importance in Arizona as hundreds of thousands of new people came to the state in the postwar period. These people thought sentimentally of Hayden as the old Senator in Washington, but not as an activist working for them. It was not remarkable in 1961 when a private survey showed that Hayden's identification factor had been greatly reduced. On the direction of Roy Elson, his administrative assistant, Hayden hired his first press secretary and issued his first newsletter. The long, quiet, service of Carl Hayden was suddenly advertised far and wide. The line was that Hayden was the man Arizonans turned to for service, not the junior senator, Barry Goldwater, who seemed preoccupied with great issues.

Arizona had been solidly Democratic until the emergence of Goldwater. The "new people" in Arizona were attracted increasingly to Republican candidates who promised lower taxes, budget cuts, and less federal regulation. By 1968, Carl Hayden had become a curiosity. When reporters asked him, "Are you going to run again, Senator?" he answered: "Why not? The polls look pretty good. They say I could beat him (Goldwater)." Goldwater was anxious to get back to the Senate, but it gave him fits to think of running against Hayden, whom he liked very much. Hayden, because of his health, probably couldn't have campaigned anyway. "Barry would have had to run against photographs," said one Republican official. A John Kraft poll taken in January of '68 showed Hayden edging Goldwater 46 to 42 percent with 12 percent undecided. The same poll showed Goldwater comfortably beating Elson if Elson were to be the nominee. If Hayden were to win in the fall of '68 at the age of 91 it would only be because of sentiment. But there was a strong possibility that Goldwater would win and thus humiliate him in the last years of his life. The word spread that Hayden would announce his retirement.

On May 6, 1968, Hayden was led into the Appropriations Committee chamber jammed with senators, Capitol Hill staffers and a sizable group of Arizonans who live in Washington. Just before Hayden read his statement, President Johnson arrived to present him with a pair of walnut bookends.

Hayden's voice was sad and faltering. "Among the other things that 66 years in the House and Senate have taught me is that contemporary events need contemporary men," he said. "Time actually makes specialists of us all. When a house is built there is a moment for the foundation, another for the walls, the roof and so on. Arizona's foundation includes vast highways, adequate electric power and abundant water. These foundations have been laid. It is time now for a building crew to report so I have decided to retire from office at the close of my term this year." Then, as the flashbulbs popped, Hayden burst into tears, as did nearly everyone in the room.

Hayden came back to Arizona once in 1968. The occasion was to campaign loyally but briefly for Roy Elson who was soundly defeated by Goldwater in the November election. Since then, Hayden has spent much time in Bethesda hospital where he is suffering from his old foe, the flu. When he feels up to it, he stops by his senate office, modest in size and graced with one of the few spittoons remaining on Capitol Hill. On his desk

is a motto: "Before you complain about America, remember it's the only place where people don't want to move to another country." Pictures of Franklin Delano Roosevelt, Bernard Baruch and Harry Truman are on the walls, but Hayden's office is remarkably devoid of the usual trophies that senators acquire. His fellow Arizona senator, Paul Fannin, wants to name the Central Arizona Project the Hayden Project, but Hayden resists this move and says: "No man should have a monument for at least 25 years after his death."

Hayden's last legislative effort was the Palo Verde Irrigation Bill, a fairly minor proposal, but it was vetoed by President Johnson on November 2, 1968. One colleague said, "Johnson could have signed it for Carl, since it was his last."

The last months have not been good. There is muttering in Arizona that the senator's lame duck office doesn't tend to its business the way it used to. His staffers evade questions about the old man and give the impression that the string is long played out. Hayden is still loved and respected but many remark that Elson, 37, who has been with Hayden since 1952, is a wheeler-dealer. (Elson was twice defeated in Senate campaigns; both Fannin and Goldwater beat him.)

Some debate what Carl should do. Ben Cole, Washington Bureau Chief for the *Arizona Republic*, who has known Hayden for many years, wants Congress to create an office called President Pro Tempore Emeritus or Dean Emeritus of Congress and install Hayden. He argues that Hayden's \$26,000 pension would offset any salary involved. It is true that Hayden probably has more friends on Capitol Hill and at Bethesda Naval Hospital than he does back in Phoenix. But Elson expects Hayden to return to Arizona to work on his collection of 600 volumes of Arizona books he has acquired over the years. "I think I'll have a lot of fun there," Hayden recently told Ben Avery, an old friend.

There are several Hayden nephews and grand nephews in Arizona but none shows an interest in politics. Harry Rosensweig, a member of an Arizona pioneer family and chairman of the Arizona Republican Party, says Arizona is changing and growing so fast that famous names like Hayden and Goldwater in themselves aren't a guarantee of political success. Goldwater's sons Mike and Barry Jr., live in California but are often mentioned as future prospects in Arizona politics. The Goldwaters somehow are attuned to the new Arizona, now 80 percent urban but increasingly conservative. The only Democratic national office holder left in Arizona is Congressman Morris Udall of Tucson, and Republicans are steadily taking over the state offices.

The ranchers, farmers and miners are still there, as are the Indians, who now are subjects of private sector antipoverity programs which have some of them making electronic equipment and Straus Lewis instead of blankets. But most Arizonans now live in urban sprawls with miles and miles of neon signs inviting mass consumption and a city life style.

The efficient roads, the dams, the irrigation projects, the expensive military bases, and the Central Arizona Project stand as monuments to Carl Hayden, the monument of Capitol Hill. He lasted 42 years in the Senate, seven more than the runner-up in longevity, Senator Kenneth McKellar of Tennessee. Hayden's total time in Congress, 57 years, is six more than Congressman Carl Vinson of Georgia recorded. Neither Arizona nor this impulsive nation will ever have another like him. The lives of Carl Hayden and his father span nearly three fourths of the nation's history, a fact which most Arizonans don't know or have forgotten.

ADDITIONAL COSPONSORS OF BILLS

Mr. PROXMIER, Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Hawaii (Mr. FONG) be added as a cosponsor of the bill (S. 406) to amend the Federal Property and Administrative Services Act of 1949.

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

Mr. JAVITS, Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Vermont (Mr. PROUTY) be added as a cosponsor of the bill (S. 269), the Hospital Modernization and Improvement Act of 1969.

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

Mr. BYRD of West Virginia, Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Hawaii (Mr. FONG), the Senator from Indiana (Mr. HARTKE), and the Senator from Rhode Island (Mr. PELL) be added as cosponsors of the bill (S. 5), the Full Opportunity Act.

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

Mr. METCALF, Mr. President, I ask unanimous consent that, at its next printing, the names of the senior Senator from Texas (Mr. YARBOROUGH) and the junior Senator from Ohio (Mr. SAXBE) be added as cosponsors of the bill (S. 500) to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income.

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

ADDITIONAL COSPONSORS, SENATE CONCURRENT RESOLUTION 3

Mr. PEARSON, Mr. President, I ask unanimous consent that, at its next printing, the names of the distinguished senior Senator from Rhode Island (Mr. PASTORE) and the distinguished junior Senator from Ohio (Mr. SAXBE) be added as cosponsors of the concurrent resolution (S. Con. Res. 3) relating to the furnishing of relief assistance to persons affected by the Nigerian Civil War.

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

SENATE RESOLUTION 56—RESOLUTION TO MAKE A STUDY OF ALL MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE ON ARMED SERVICES—REPORT OF A COMMITTEE

Mr. STENNIS, from the Committee on Armed Services, reported an original resolution (S. Res. 56); which was referred to the Committee on Rules and Administration, as follows:

S. RES. 56

Resolved, That the Committee on Armed Services, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to ex-

amine, investigate, and make a complete study of any and all matters pertaining to—

- (1) common defense generally;
- (2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;
- (3) soldiers' and sailors' homes;
- (4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;
- (5) selective service;
- (6) size and composition of the Army, Navy, and Air Force;
- (7) forts, arsenals, military reservations, and navy yards;
- (8) ammunition depots;
- (9) maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;
- (10) conservation, development, and use of naval petroleum and oil shale reserves;
- (11) strategic and critical materials necessary for the common defense; and
- (12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

Sec. 2. For the purpose of this resolution, the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,400 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The expenses of the committee under this resolution, which shall not exceed \$225,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 57—RESOLUTION AUTHORIZING THE SELECT COMMITTEE ON SMALL BUSINESS TO MAKE A COMPLETE STUDY OF THE PROBLEMS OF SMALL AND INDEPENDENT BUSINESSES

Mr. BIBLE (for himself and Mr. JAVITS) submitted the following resolution (S. Res. 57); which was referred to the Committee on Banking and Currency:

S. RES. 57

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1969, to January 31, 1970, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities

and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed \$145,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

DEPARTMENT OF THE INTERIOR

The Senate in executive session, resumed the consideration of the nomination of Walter J. Hickel, to be Secretary of the Interior.

Mr. JORDAN of Idaho. Mr. President, as a member of the Senate Interior and Insular Affairs Committee, it has been my privilege to take part in the recently concluded hearings on the nomination of Gov. Walter Hickel, of Alaska, to be Secretary of the Interior. My vote today for his confirmation reflects my confidence in this man's suitability for this position. We have had more than ample time to determine his qualifications and he has provided honest and forthright answers to all questions.

He has rightfully stressed the vastly different responsibilities which rest upon a Governor and those which rest with the Secretary of the Interior. He has assured us that he will assume major responsibilities for the wise use, management, development, and conservation of our Nation's natural resources and I for one have every reason to believe that Governor Hickel will devote his outstanding energy to the best interests of our Nation's natural resources.

Moreover, I believe his proven ability as an organizer and administrator will insure the selection of able and dedicated experts as assistants in the several areas under his jurisdiction as Secretary of Interior.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE NOMINATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of certain nominations favorably reported unanimously by various committees earlier in the day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

DEPARTMENT OF STATE

The legislative clerk read the nomination, reported earlier today by the Committee on Foreign Relations, of Richard F. Pedersen, of California, to be counselor of the Department of State.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination, reported earlier today by the Committee on Foreign Relations, of Elliot L. Richardson, of Massachusetts, to be Under Secretary of State.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COMMODITY CREDIT CORPORATION

The legislative clerk read the nominations, reported earlier today by the Committee on Agriculture and Forestry, of J. Phil Campbell, of Georgia, and Clarence D. Palmy, of Virginia, to be members of the Board of Directors of the Commodity Credit Corporation.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be notified of the confirmation of these nominations.

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

DEPARTMENT OF THE INTERIOR

The PRESIDING OFFICER. In accordance with the previous unanimous-consent agreement, the time remaining on the nomination of Walter J. Hickel to be Secretary of the Interior is to be equally divided. Who yields time?

Mr. ALLOTT. Mr. President, I yield 3 minutes to the distinguished senior Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. I thank the Presiding Officer. I am reminded of some old times, when the present Presiding Officer of the Senate sat in the chair of our Alaska State Legislature. I think Alaska is the only State in the Union that has three Senators on the floor of the U.S. Senate today, and, of course, my reference is to the presence on the floor of our former colleague, Senator Gruening.

Mr. President, I wish, on behalf of the people of Alaska and of our Governor, to thank the members of the Committee on Interior and Insular Affairs for their dedication and attention to the hearings concerned with his nomination. I thank especially the Senator from our neighboring State, the Senator from Washington (Mr. JACKSON), for his fairness in conducting the hearings, and his insistence that every single rumor or half truth that was raised about our Governor should be fully covered in those hearings.

The staff of the committee, both minority and majority, worked long and hard hours during the past weekend. We are grateful that the printed record of the hearings contains the answers to all the allegations that were made. That is in the public interest.

All of us have received many letters and telegrams concerning this nomination. I have received a great many, but I would not seek to burden the RECORD of the proceedings with all of them. Three or four of them are, I think, significant.

First, I invite the attention of the Senate to a letter from the Alaska Sport Fish and Game Institute, Anchorage, Alaska, signed by one of the persons who

organized the Alaska Sport Fish and Game Institute for the State of Alaska. He is a good friend of the Presiding Officer (Mr. GRAVEL) and of myself, having served in the legislature with us. He has written a moving letter to the distinguished Senator from Colorado (Mr. ALLOTT) concerning our Governor and his abilities in the field of conservation. It is the type of letter that should be called to the attention of the Senate because the Alaska Sport Fish and Game Institute speaks for the 50,000 residents of our State who hold hunting and fishing licenses and who support the institute. The letter, signed by Ken Brady, reads, in part:

The qualities we speak of are not just those of intelligence, integrity, capacity for hard work, public speaking ability, loyalty—Wally Hicckel has all of these but he has something more, Wally has ideas plus the energy and contagious enthusiasm to sell those ideas to others.

Mr. President, I am most pleased that we are approaching the vote on the nomination. Again, I wish to say to the Members of the Senate that Walter J. Hicckel is a man of dedication, of integrity, and of ability.

He has the capability to become one of the greatest Secretaries of the Interior that our country has ever had.

Mr. President, I ask unanimous consent that the letters and telegrams be printed in the RECORD.

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

ALASKA SPORT FISH AND
GAME INSTITUTE.

Anchorage, Alaska, January 9, 1969.

HON. GORDON ALLOTT,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: Rarely during these troubled times for America, do we find men who possess those qualities of leadership and character so necessary if we are to remain a great nation.

The qualities we speak of are not just those of intelligence, integrity, capacity for hard work, public speaking ability, loyalty—Wally Hicckel has all of these but he has something more. Wally has ideas plus the energy and contagious enthusiasm to sell those ideas to others.

Wally Hicckel has the determination and tenacity of a championship boxer (which he was in younger days). You can't help but notice this in your committee hearings with him.

We have polled the officers and directors of the Alaska Sport Fish and Game Institute and because of his consistent record as a conservationist they are unanimous in endorsing Governor Hicckel for Secretary of Interior. We urge you to support him for that position.

We feel we are speaking for 50,000 sports fishermen and hunters in Alaska as well as sportsmen throughout the United States. We cannot and must not let men of Wally Hicckel's caliber go to waste.

May God Bless You and Guide You.

KEN BRADY.

MATANUSKA VALLEY SPORTSMEN,
Palmer, Alaska, January 8, 1969.

Senator HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee, Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: We support without reservation our Governor Walter J. Hicckel for Secretary of the Interior.

Perhaps the greatest problem confronting conservation in the United States is settlement of the Native land claims in Alaska. More public land is involved here in one chunk than will ever be available again for public use. We find Governor Hicckel is aware of this and has expressed his concern many times in public. We express our greatest confidence in Walter J. Hicckel's ability to aid in the solution of this land claim equitably for all citizens of the United States.

Our club of course has had differences of opinion in the conservation field with our Governor. The most important of these served to point up a weakness in our State Constitution as regards our Fish and Game management. We now may take steps to correct this and think the disagreement beneficial.

Our feeling for our State of Alaska is: This is our home and our opportunity to fish and hunt and to enjoy the outdoors is one we wish to pass on to our children. Our best chance of doing this is with a man who also regards this State as home.

In no case do we find those of opposite thinking than ours to present a better man for the United States than Walter J. Hicckel.

Yours truly,

NOEL W. WOODS,
President.

ANCHORAGE, ALASKA,
January 7, 1969.

HON. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

SIR: I hereby support Walter J. Hicckel for the appointment of Secretary of the Interior and recommend his confirmation to this post.

Governor Hicckel has endeavored to broaden conservation measures in fish and game and in natural resources:

1. Requested the Board of Fish and Game to make a study of game observation areas for public use and proposed management.
2. Readily endorsed programs which give precedent of renewal resource programs first priority in management and use over non-renewable resource.
3. Supports development programs but not at the loss of beauty of natural landscape or natural use of streams or waters.
4. Requires access areas to lakes, streams and area of public land. This is undoubtedly one of the greatest achievements in state land use and management that any state has ever conceived.
5. Actively pursued transplant of muskoxen to original habitat in the arctic regions.
6. Commercial fishing gear control to assure orderly harvest, to broaden biological management, to enhance proper escapement, and to protect stocks.
7. As Governor, appointed five sportsmen and five commercial fishermen to the Board of Fish and Game. This is the first time there has been a balanced board since statehood eight years ago.
8. There is no doubt that Governor Hicckel is a conservationist—a protectorate—a wise user of natural resources. A man whose ambitions have not jeopardized the perpetual use of natural habitat and is continually seeking progress programs to meet the times and desires of the people of this Nation.

I am sure that if anyone has investigated the accomplishments and directions that Walter J. Hicckel has supported during his public career, they too would endorse his position and would support his appointment.

Yours very truly,

FRANK COOK.

FALLBROOK, CALIF.,
January 14, 1969.

THEODORE F. STEVENS,
Senate Office Building,
Washington, D.C.

The appointment of Walter J. Hicckel, Governor of Alaska, as Secretary of Department

of Interior certainly warrants the approval by Committee on Interior and Insular Affairs and its recommendation for confirmation by the U.S. Senate. Having worked with him on projects of territorial, State, and national scope I have been impressed with his knowledgeable approach to all problems. I was appointed to the Alaska Purchase Centennial Commission by former Alaska Governor, William A. Egan, and served to the completion of the project, for the last 2 years under Gov. Walter J. Hicckel. He has done an outstanding job as our Governor and can be depended upon to do as well in the new appointment.

ARTHUR F. WALDRON,
Member, Trustees of Alaska Methodist
University.

FAIRBANKS NATIVE ASSOCIATIONS,
Fairbanks, Alaska, January 12, 1969.

Senator TED STEVENS,
Senate Office Building,
Washington, D.C.:

The Fairbanks Native Association unequivocally endorses Gov. Walter J. Hicckel for the post of Secretary of Interior in the Cabinet of President Richard Nixon. We feel this would be in the best interest of Alaska and the Nation. Governor Hicckel is an Alaskan. As Alaskans we feel that he has made great strides toward understanding and attempting to solve problems facing the people of Alaska, particularly in the fields of education and native land rights. We feel that as Secretary of Interior Governor Hicckel will continue to work toward solving these problems.

GERALD IVEY,
President.

JUNEAU, ALASKA,
January 14, 1969.

HON. TED STEVENS,
Senate Office Building,
Washington, D.C.:

Am sending today the following wire to Senator JACKSON, chairman, Interior Committee: "As an Alaskan-born lifelong Democrat and former Alaska legislator I wish most emphatically to endorse Walter Hicckel as Secretary of Interior. A review of Governor Hicckel's highly successful business background viewed in the light of the tremendous strides in virtually every field that Alaska has made in only 2 short years under his administration indicates that the United States can also benefit under his dynamic and informed leadership. One of Governor Hicckel's outstanding virtues is his most obvious ability to create a highly qualified cohesive working team and in this area, in particular, he should be most welcome in the Nation's administrative branch. Any unbiased consideration of Governor Hicckel's activities the past 2 years will show nothing to support the unjust criticisms that extremists have made in recent weeks. I join with those who know Walter Hicckel's qualifications best in urging his confirmation as Interior Secretary."

CURTIS G. SHATTUCK.

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

We have now come to the time when the Senate will vote as to whether to advise and consent to the nomination of Gov. Walter J. Hicckel to be Secretary of the Interior. I wish to stress again that the Senate has exercised its constitutional function in this debate on the nomination that has been submitted to the Senate by the President. I believe the Senate has performed a historic duty, one that devolves upon us, and one which sometimes seems to fall into disuse when we routinely advise and consent to nominations. I think that the reason why we have had such a lengthy

debate this time, both in committee and on the floor of the Senate, is that there is great public concern about the position of Secretary of the Interior, and second, about the person who will hold that position.

The debate, I believe, has been directed in the main, at least, to the qualifications, based upon an appreciation of the position that Governor Hickel is about to assume. Certainly so far as I am concerned, and I believe so far as concerns other Senators to whom I have listened, who will vote in the negative, we have not questioned the personal integrity, honesty, or fitness of Governor Hickel as a man to hold this position. Our objections have been centered on his lack of background and understanding of the very important position that he will assume, although I think it is certain that his nomination will be confirmed when the roll is called. For that reason, I wish to say again, as I said earlier, that I do hope that Governor Hickel will develop into an outstanding Secretary of the Interior. I hope that he will grow with the job.

I believe that he must grow if he is to become a successful and competent leader as Secretary of the Interior. He will follow one of the great conservationists of this country, a man who has made his mark as Secretary of the Interior and has set in motion the great movement toward conservation and preservation of the environment and an awareness of our surroundings. Governor Hickel will be expected to carry on where former Secretary Udall left off. I pay a high compliment to former Secretary Udall and express the hope that Governor Hickel will follow in his footsteps and will give us the leadership that is needed.

I say again that I shall be glad to cooperate with Governor Hickel when he becomes Secretary of the Interior. I feel certain that this is true of the other Senators who feel duty bound by their conscience and by the record as it exists to cast negative votes to indicate that we do not believe that the right man was selected in the first instance, a man who has not had contact with and does not have an appreciation of the problems that are inherent in the department of natural resources of this country.

Our natural resources are the basis of our whole existence on this fine globe. When we saw the television programs showing the astronauts looking back to our world floating in space, with the clouds over it, with a little bit of green and some blue on it, we then realized what a really small globe we occupied and how dependent we are upon the resources of that fine globe. That means our seas, our lakes, our streams, our soil, our air, and all the rest of the environment in which we live.

The Secretary of the Interior is the man who must give us leadership in preserving that environment. I think that Governor Hickel is not equipped at this time to do that; therefore, I must cast my vote against his nomination.

The PRESIDING OFFICER. The Senator from Colorado controls the remaining time.

Mr. ALLOTT. Mr. President, the distin-

guished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) desires to speak before the debate on the nomination is closed, so my statement will be short and concise.

First, all the controversy that has occurred, much of which, I think, is unjustified entirely, should cause anyone who will take the trouble to read the record and read Governor Hickel's statement before the committee to resolve the question completely in his favor. There is no question that certain interests in the country have tried to foment a major crisis over the nomination. For that reason, I wish particularly to thank the distinguished Senator from Washington, the chairman of the committee, for his fairness and impartiality during all of the hearings, and for his constant attempt to make the record of the hearings complete and full in every respect and to be certain that the rights of the nominee were respected, as well as the rights of those who desired to be heard.

I wish to add one other statement; then in the minute or so remaining I will yield to the distinguished chairman.

I wish to extend my thanks to all the members of the committee and also to the members of the staff for all of the hard work they performed during the consideration of the nomination. They worked day and night throughout the weekend, and deserve recognition for doing so.

I now yield to the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, for the benefit of my colleagues, may I say that we held open, public hearings for 3½ days, all day long, on this nomination. Governor Hickel was responsive to the questions at all times.

I have tried throughout to be a fair and impartial judge. I am convinced that in confirming his nomination, we will have met our constitutional responsibilities. He, in turn, has met the constitutional requirements that should be given consideration by the Senate before we act on the nomination.

I said the following in my statement yesterday when the Senate began consideration of this nomination:

Mr. President, permit me to comment first on my understanding of the Senate's constitutional duty to advise and consent with respect to the selection by the President of his Cabinet.

The Constitution recognizes three stages in the appointments by the President with the advice and consent of the Senate. First, the "nomination" of the candidate by the President alone. Second, the assent of the Senate to the "appointment" of the candidate. Third, the "commissioning" of the candidate by the President.

Alexander Hamilton in the *Federalist*, explained why this procedure was incorporated in the Constitution. He made it clear that the President was not to be relieved of his responsibility for his appointments. The purpose, he said, was to place a check on any spirit of favoritism and to prevent the appointment of "unfit characters from state prejudice, from family connection, from personal attachment, or from a view to popularity."

On the first day of the hearings on this nomination, I noted that:

History will show that the Senate has accorded the President, particularly a newly elected President, wide latitude in his choice of those who will serve the country as members of his Cabinet. Nevertheless, this committee and the Senate must meet our constitutional obligations, and therefore, this is not a perfunctory proceeding. At a minimum, I expect it to be an enlightening and educational experience for us all. I hope we will make good use of this opportunity to examine our responsibilities here before the public.

The members of the committee and invited representatives of the Public Works Committee questioned the nominee at great length on many matters. It is my view that the committee's action in recommending that the Senate advise and consent to the Hickel nomination is taken in accordance with our constitutional obligations.

It is my judgment, and I am sure that this is shared by the ranking minority member of the committee, the senior Senator from Colorado, that an adequate hearing record has been made. The length of the proceedings and the scope of the questioning was unusual. But, so were many of the factors surrounding the nomination. The committee tried—and I believe was successful—to be fair to everyone involved throughout the proceedings.

By long established custom—particularly with regard to a newly elected President—the Senate has followed the practice of giving the President his Cabinet, almost as a matter of course. These are the individuals selected by the President to be his principal advisers. He is responsible for their official acts. The Chief Executive is entitled to exercise wide latitude in their selection.

The Senate is neither required nor entitled to share this responsibility with the President.

We may not agree with the views of those selected by the President. Indeed we must expect there will be some, even considerable, disagreement. Senators may believe that a particular nominee does not meet a standard of qualification or competence that they themselves would set. But it is the President, not the Senate, who must set the standards of qualification and competence for his principal advisers.

Let there be no mistake about it, these are the President's men and he is entitled to have them, barring some flagrant error or abuse of his prerogatives in making his nominations.

In the examination of Mr. Hickel in accordance with the Senate's duties and responsibilities, a majority of the committee found no proper grounds on which to negate the President's choice.

Mr. President, the President of the United States must be responsible and accountable for the administration of the executive branch. We cannot hold him responsible if we deny him his choice of principal advisors for less than overriding cause. It was on this basis, Mr. President, that I voted in committee to recommend that the Senate confirm the nomination of Walter J. Hickel.

I could not in conscience on the basis of the record before us vote against his nomination. I have no hesitancy in urging my colleagues to confirm his nomination.

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

The yeas and nays were ordered. Mr. HARRIS. Mr. President, I have studied carefully the record of the Senate Interior Committee concerning the nomination of the Honorable Walter Hickel to be Secretary of the Interior. I have listened to and read the subsequent debate and discussion on this matter in the Senate.

I commend the distinguished chairman, Senator JACKSON, and all the members of the committee for the thorough examination of Governor Hickel's qualifications to be Secretary of the Interior. The committee carried out completely its duty to examine Mr. Hickel's record and to inform the Senate of his qualifications, and I appreciate the committee's diligence and complete objectivity in its proceedings on the matter of Governor Hickel's confirmation.

I have received a great amount of mail regarding this nomination. All of it—both from Oklahoma and throughout the country—has been running about 95 percent against Senate confirmation of Mr. Hickel.

Among other things, I am worried about this nominee's views concerning conservation and air and water pollution, subjects of increasing seriousness and importance to us all. I will not burden the RECORD with all of the communications and telegrams I have received from people who are also concerned about these subjects and Mr. Hickel's views on them. I do, however, ask unanimous consent that a representative sampling of them be printed at this point in the RECORD.

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

TULSA, OKLA.,
January 20, 1969.

Senator FRED HARRIS,
U.S. Senate Office Building,
Washington, D.C.:

We urge you to vote against the appointment of Walter Hickel as Secretary of Interior. Errors made in the use or misuse of natural resources, wilderness, wildlife, not to mention the lives of Indians and Eskimos, are often not reversible. Judging from Mr. Hickel's background and his own public statements regarding pollution and conservation we cannot believe he would serve the best interest of America.

Mr. KEITH GILDERSLEEVE,
Mrs. LOIS BRIGGS.

OKLAHOMA CITY, OKLA.

Senator FRED R. HARRIS,
Senate Office Building,
Washington, D.C.:

Urge vote against confirmation Hickel. Past performance and anti-conservation attitude inconsistent with appointment.

L. P. ELIEL.

OKLAHOMA CITY, OKLA.,
January 20, 1969.

Senator FRED HARRIS,
Senate Office Building,
Washington, D.C.:

Strongly urge you to vote against confirmation of Walter Hickel as Interior Secretary.

tary. This man by his actions and words has made it clear that he does not believe in nor support the conservation needs of our country.

ROBERT H. FURMAN, M.D.

CANTON, OKLA.,
January 20, 1969.

Senator FRED HARRIS,
Senate Office Building,
Washington, D.C.:

Urge you oppose confirmation of Hickel as Secretary of Interior.

Mr. and Mrs. C. ROY HAW.

CUSHING, OKLA.,
January 14, 1969.

Senator FRED HARRIS,
Senate Office Building,
Washington, D.C.:

Strongly urge you oppose confirmation of Hickel for Secretary of Interior. Letter follows. Attn. Dennis Brezino.

Mrs. DESMOND ISTD.

TULSA, OKLA.,
January 20, 1969.

Senator FRED R. HARRIS,
Senate Office Building,
Washington, D.C.:

We oppose consent to nomination of Walter Hickel as Secretary of Interior.

Mr. and Mrs. HUGH SELMAN.

OKLAHOMA CITY, OKLA.,
January 20, 1969.

Senator FRED R. HARRIS,
Senate Office Building,
Washington, D.C.:

Walter J. Hickel's ideas concerning exploitation natural resources is contrary to country's long range interests.

GRANT R. KILPATRICK,
NEAL D. KILPATRICK,
KITTY GOODWIN KING,
HELEN A. BUCKLEY.

TULSA, OKLA.,
January 20, 1969.

Senator FRED HARRIS,
Senate Office Building,
Washington, D.C.:

Urge you oppose Hickel's appointment. His opposition to conservation principles makes him unfit for job.

Mr. and Mrs. LIONEL COHEN.

TULSA, OKLA.,
January 16, 1969.

SIR: I am depending on you to vote against the appointment of Gov. Walter Hickel as Secretary of the Interior.

Respectfully,

FLORENCE O. BUETTNER.

NORMAN, OKLA.,
January 17, 1969.

HON. FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARRIS: We are very uneasy about the possible appointment of Governor Hickel as Secretary of the Interior. Our natural resources, especially our wilderness, cannot be restored by legislation once it is destroyed. Please do not endanger these treasures for future generations by approving an Interior Secretary whose intentions are unclear. We must have a man who, while trying to be reasonable, realizes that too much conservation is better than too little.

Sincerely yours,

Mr. and Mrs. WILLIAM C. BUMGARDNER.

NORMAN, OKLA.,
January 15, 1969.

Senator FRED HARRIS.

DEAR SIR: I have read a great deal about Gov. Walter J. Hickel, and I don't think it is to the best interest of the American people for him to become Secretary of Interior. He

seems to be more interested in industry, which causes more pollution to air and water, than conservation.

The affluent American people are indifferent to the waste of our natural resources, especially the forests which provide the material for paper. If we don't reverse the trend, in a few years, we shall all be smothered in a sea of discarded paper.

Respectfully,

MARY LANGTHORP.

TULSA, OKLA.,
January 17, 1969.

HON. FRED HARRIS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARRIS: It appears that The Honorable Walter J. Hickel should not be confirmed as Secretary of the Interior. It rather definitely appears that this man is the worst possible choice, and the worst choice for Secretary of the Interior that the country has ever been confronted with.

I hope you will give this matter your top attention, knowing, of course, that you know the importance of the position of the Secretary of the Interior.

Yours very truly,

WARREN L. MCCONNICO,
Attorney at Law.

DEAR SIR: I was shocked to hear the views of Gov. Hickel of Alaska, Nixon's appointment for Sec. of Interior, on pollution. For the sake of the survival of our planet, please oppose his appointment.

Mrs. N. RUNGE,
Norman, Okla.

MUSKOGEE, OKLA.,
January 20, 1969.

FRED HARRIS,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARRIS: It is my opinion that a recent article written by columnists Drew Pearson and Jack Anderson titled "New Secretary of Interior No Friend to Eskimos and Indians" represents, in the absence of the columnists being guilty of libel, an indictment against the character of Governor Hickel.

Because of my interest in human welfare and, indeed, the total welfare of our nation, it is my hope that you and other members of the Senate will make an in depth study of Governor Walter Hickel's qualifications to serve in the best interests of our nation as Secretary of the Interior before making a confirmation decision.

I believe our nation has reached a point in time where it is incumbent upon all national leaders to be above reproach in the process of demonstrating appropriate feelings, actions and interests for the welfare of all Americans. I believe further that this will do much to eliminate the detrimental inconsistencies which have been injected into our democracy for so long by self-centered, incompetent and bigoted people placed in leadership positions.

Your interest in and consideration of my plea will be very much appreciated.

Respectfully,

TOMMY JACKSON.

NORMAN, OKLA.,
January 17, 1969.

HON. FRED HARRIS,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARRIS: I am very much disturbed by the appointment of a Secretary of the Interior who will have jurisdiction over much of which is not now administered under the "Multiple Use Concept". Land in National Parks, and land upon which our wildlife is sustained.

There is a definite difference in his philosophical thinking of the Wildlife Act and our National Park System.

I would appreciate very much your thinking regarding his qualifications before he is presented for confirmation.

Any comment to me personally, I would appreciate.

Sincerely,

S. DON WILSON.

Reference: His interview with Washington Post December 19, 1968, and his comments.

PRAGUE, OKLA.,
January 17, 1969.

U.S. Senator FRED HARRIS.

DEAR SIR: I am asking you to take a good look & Study of Walter Hickel before you vote to confirm him as Secy. of The Interior.

Yours truly,

ERNEST SALA.

Mr. HARRIS, Mr. President, Senators know of my long-standing and continuing interest in improving the lives of American Indians and Eskimos. There is much apprehensiveness about Mr. Hickel's attitudes on this subject. For example, I ask unanimous consent that one of several letters I have received from American Indians may be printed at this point in the RECORD.

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

ARDMORE, OKLA.,
January 15, 1969.

HON. FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am one half blood Chickasaw Indian, Borned in Picketts County, Now Love County Oklahoma. Year 1891.

I know quite a number of Indians in the Chickasaw and Choctaw Nation and have talked to a number of them.

We have a very good program started in the Indian Country and just started good, we would hate to see it changed up.

We are all interested in The Secretary of the Interior and I have not found that is one Indian satisfied with the appointment of the man that the President Elect is trying to put in office.

Would like to see some one that will help carry on this program that is well under way.

Yours truly,

SAMUEL L. WALLACE.

Mr. HARRIS, Mr. President, all other things being satisfactory, I basically believe that a President should be able to choose his own Cabinet. But, if the constitutional "advice and consent" powers of the Senate are to be effective, Senators must exercise their careful and individual judgment of each nomination. Thus, though I assume this nomination will be confirmed by the Senate, I must vote against it in order to express my concerns and the concerns of so many people who have contacted me, hoping that as Mr. Hickel takes on these new responsibilities he may do so with due regard for the views which have been voiced on these and other subjects within his jurisdiction.

Mr. CRANSTON, Mr. President, a stirring, eloquent message came to me a few days ago from a San Diego scientist. He wrote:

I am a geologist who has a great appreciation for clear skies and untracked wilderness. I would like to pass this heritage on to my sons.

I realize that this nation has a great need to develop its natural resources. But I believe that can be done without significantly disturbing the balance of nature or laying waste to our vanishing wilderness areas.

He expressed what he called his "considerable concern" over the nomination of Governor Hickel.

I share his concern. So do thousands of other conservationist-minded Californians who have communicated to me by letters, telegrams, phone calls, and personal visits urging me to vote against confirmation of Governor Hickel.

I was concerned when Governor Hickel's nomination was first announced. But I withheld final judgment until the Senate Interior and Insular Affairs Committee had concluded its hearings.

I spent last night reading the extensive transcripts of those hearings. My doubts about Mr. Hickel's appointment have been multiplied, rather than reduced, and my concern has been compounded.

I have reluctantly concluded that Governor Hickel is not qualified for the position to which he has been named. He lacks the experience, the interest, or the outlook of a strongly devoted conservationist.

And, as a San Mateo couple wired me:

California, even more than the rest of the United States, needs a strongly devoted conservationist for Secretary of Interior.

Governor Hickel is, from all accounts, a successful businessman and an able administrator. He could, in my opinion, fill admirably any of a number of top governmental positions. But not that of the Nation's No. 1 conservationist, the people's trustee for the total environment whose Cabinet post, to quote a San Francisco constituent, "affects the future health and well-being of every American citizen."

As a man and wife in Manhattan Beach pointed out:

His past record and current statements, do not make clear that he would manage the nation's limited natural resources in the best interest of all Americans. All of us have the right to unpolluted atmosphere, lakes and streams.

I am deeply convinced that immediate, wholehearted, and dedicated efforts are essential if we are to protect our unique heritages of land and water. It is the legitimate right of future generations that they find their heritage preserved rather than irrevocably ruined and despoiled.

The fear of the irrevocable damage that might be done our natural resources by an insensitive Secretary runs through many messages that have come to me. This is most perceptively stated in a telegram from a man in Atherton. He warns:

Except at enormous costs and over a long time, the destruction of natural resources is usually irreversible.

I agree.

A felled redwood cannot be righted and restored to life. A vanishing species cannot be revived once it is made extinct. It takes years to cleanse polluted waters. In some places in our Nation the air may never again be fresh.

Once our beaches, our lakes, our mountains, our wildernesses have been opened to commercial development, they can never be fully restored to their natural state and their legacy of beauty is forever lost.

It is important to note, and I am not at all sure Governor Hickel really under-

stands this, that the preservation of our natural environment is not simply an esthetic concern. Serious scientists have suggested that the ecological imbalance caused by human mismanagement of our environment may threaten the very survival of the human species.

A Secretary of the Interior must clearly perceive the enormity of the environmental problem mankind faces. Yet it is in that very area that Governor Hickel appears most unprepared.

Last Thursday, in response to a thoughtful question by the distinguished Senator from Wisconsin about the Governor's philosophy on the environmental problem, Governor Hickel made a hesitant uncertain response about oceanic research that convinced me that he has no clear understanding of the meaning of ecology.

The question was clear and precise. It provided an excellent opportunity for a potential Interior Secretary to rally the American people for a crucial struggle against the smudge and smog, poisons and industrial wastes, pollutants and exploitations that are befouling and despoiling our good earth for generations to come. Instead, Governor Hickel talked about research in growing food on the Continental Shelf—a vital matter, but a quite different one.

I am afraid that Governor Hickel, as Secretary of the Interior, would be tempted to remove the reins from unlimited private exploitation of our natural resources.

I do not suggest that he would do so in order to further his own interests. I do not charge him with that. Rather, I fear he would tend to favor freer commercial exploitation in the belief that doing so would further the national interest.

That is the view, I believe, that constitutes the danger he would bring to his office and to our Nation.

I must vote against Governor Hickel's confirmation. I do so regretfully. I regret having to vote against a man personally selected by President Nixon, whom I wish well.

There are many conservationists in the Republican Party, like Thomas Kuchel and ROGERS MORTON, who are eminently qualified for the post of Secretary of the Interior and whom I could have enthusiastically supported.

I have supported all the other nominations that President Nixon has placed before the Senate. But I cannot approve Mr. Hickel.

I agree with a lady in Palo Alto who says simply that "he does not understand the job."

If he becomes Secretary of the Interior, I pray that he proves me wrong.

Mr. SPONG, Mr. President, on the basis of the record compiled by the Senate Committee on the Interior, it is my intention, with reservations, to vote for the confirmation of the Honorable Walter J. Hickel as Secretary of the Interior.

I earlier expressed my concern over Governor Hickel's nomination because of the implications of statements he made on conservation and water pollution during a press conference on December 18, 1968. During the committee hearings, however, he pledged support of the 1966 Water Quality Act, and asserted there is

an absolute necessity to protect the desired quality of our environment. He also endorsed the Wilderness Act and the Wild Rivers Act.

As for his earlier statement that he was opposed to conservation solely for the sake of conservation, he explained at the hearings that he was referring primarily to Alaska. He said millions of board feet of timber there were rotting for not being harvested. In addition, he has agreed to dispose of certain stocks, and to instruct the trustees of his family owned businesses to refrain from doing business with the Federal Government. Moreover, he has in mind the appointment of a leading conservationist—reportedly Mr. Russell Train, president of the Conservation Foundation—to be Under Secretary of the Department of the Interior.

Governor Hickel's unfortunate earlier statements perhaps stem from the fact that his home State, largely undeveloped, has not been the victim of the environmental pollution problems which are becoming so critical in the more populous areas of the United States. I hope the nominee now recognizes the necessity of coming to grips with these problems, and that the Department of the Interior will continue to exert vigorous leadership in this area of national concern.

In considering nominees for the Cabinet, one must recognize that the President is entitled to every favorable presumption. As was pointed out yesterday, there is an established tradition that the Senate will accord a President a free hand in the selection of members of his Cabinet. Only eight such appointments have been rejected by the Senate in the Nation's history.

The committee, headed by the able and distinguished Senator from Washington, is to be commended for its thorough examination of the nominee and his qualifications. I am prepared to accept the committee's judgment in this matter, with the hope that Governor Hickel will familiarize himself quickly with the extent of environmental pollution, and take affirmative action to abate it.

Mr. BAYH. Mr. President, after carefully examining the record of the hearings held by the Senate Committee on Interior and Insular Affairs on the nomination of Gov. Walter J. Hickel, of Alaska, to be Secretary of the Interior, I have decided to support the recommendation of a majority of the members that the nomination be confirmed. Because of various questions which have been raised, both in the public press and in the committee, about the wisdom and even the propriety of this choice, it has been difficult to arrive at a decision in this matter. In view of the significance of this appointment, let me set forth briefly the reasons why I believe the Senate should approve the nomination.

Both long-existing custom and sound administrative practice uphold the view that the President of the United States should be allowed wide discretion in choosing his chief subordinate officers. Only on very rare occasions has the Senate questioned the freedom of the President to name without opposition the heads of the executive departments. This

is especially true with respect to nominations submitted by a new incoming President. There is much to be said in favor of permitting a new administration, entrusted recently by the electorate with the responsibilities of office, to translate expressed public will into positive action through top leadership of its own designation.

On the other hand, in carrying out its constitutional power to "advise and consent," the Senate has a clear mandate to examine thoroughly the qualifications of any candidate submitted by the President for its consideration. In exercising this duty, the Senate must carefully and impartially evaluate all available evidence about the nominee, both favorable and otherwise. Certainly if there is positive proof that an individual has definite character deficiencies or a past record which would indicate beyond doubt his unfitness for a post of high responsibility, the Senate should reject such a nomination.

No Senator would ever knowingly give his consent to an appointee who had been proven guilty of serious offenses against the state or his fellow man. In this particular instance, however, despite numerous charges which have appeared in print and elsewhere, the testimony presented to the committee and the responses to numerous questions have not convinced me that the nominee has conducted himself in a manner which would merit rejection by the Senate in light of the overriding precedent of permitting the President wide latitude in choosing those he desires to serve in his administration.

Some have raised serious objections which appear to be based solely on the attitudes, knowledge, experience and understanding of the candidate. While I agree that the Secretary of the Interior should be a man who fully comprehends the priority which the Nation must place on protecting and preserving our natural resources, the hearings provide no preponderant evidence demonstrating conclusively that Mr. Hickel would be remiss in carrying out this responsibility if it were entrusted to him. More importantly, final authority and responsibility for exercising the discretionary powers vested in the Secretary must rest in the Presidency itself. Any major policy, decision or regulation emanating from the Secretary must bear the imprint and approval of the Chief Executive, and credit or blame for these policy determinations will inevitably fall on the shoulders of the administration itself.

I do not minimize the tremendous importance of the tasks confronting the man who will head the Department of Interior. As the chief conservator of our vast store of natural resources, administrator of millions of acres of public lands, supervisor of our national parks and monuments, and director of relations with Indian Americans, the new Secretary will undoubtedly exert considerable influence over policies which will affect the welfare of the Nation for generations to come. In all candor, there are certain activities and attitudes which have been attributed to the perspective nominee which concern me greatly. In light of my particular concern relative to the entire matter of conservation and

natural resources, it would have seemed wiser to have appointed a Secretary of the Interior with abundant past experience and an enthusiastic commitment to this cause. However, this decision rests with the new President.

I have discussed this matter with the distinguished chairman of the Senate Interior and Insular Affairs Committee and I am convinced that this committee will keep a close eye on the future activities of the new Secretary of the Interior. As a Senator from the State of Indiana, I intend to conduct a similar vigil personally. The problems confronting my State and our Nation involving both air and water pollution, the conservation of our natural resources and our unique natural habitats are of such extreme importance to a Nation that is rapidly increasing in population density that no one in the Congress of the United States can relax this vigil for even a moment.

Mr. FANNIN. Mr. President, over the past 2 weeks, there has been much debate over the confirmation of Walter J. Hickel as Secretary of the Interior. Out of this debate has emerged the picture of a man deeply committed to the conservation of our natural resources. His statement before the Interior Committee, coupled with his answers to the questions posed by the members, evidences a capacity to deal openly, candidly, and objectively with the problems of the Department of the Interior. He evaded no questions. He cooperated fully with the chairman and committee members. Although interrogated at times on subjects totally irrelevant to his qualifications, Governor Hickel nevertheless cooperated fully.

As so ably stated by our distinguished chairman, Senator JACKSON:

The President is entitled to have the men he has nominated for his cabinet barring some flagrant error or abuse of his prerogatives in making the nominations. . . . A majority of the committee found no proper grounds on which to negate the President's choice.

Governor Hickel has evidenced those qualifications essential to the successful administration of our established national programs. His accomplishments in the field of conservation are outstanding, as will be apparent from an examination of his record. This record amply shows his efforts to promote the efficient use of natural resources, the assurance of adequate resource development in order to meet the requirements of the future and, of prime importance, the discouragement of wasteful exploitation of our natural resources.

Additionally, his record reflects his awareness of the need for the orderly development of recreational facilities, having instituted where feasible programs for immediate use while considering the long-range needs of a comprehensive program. His achievements in the preservation and protection of fish and wildlife are exemplary. In short, Mr. President, Governor Hickel has demonstrated through his outstanding achievements—accomplished in cooperation with the private sector, his own State government, and the Federal Government—his thorough understanding of the problems and programs entrusted to

the Department of the Interior. I strongly urge the Senate to approve the nomination of this highly qualified appointee.

Mr. ALLOTT subsequently said: Mr. President, during the debate on the nomination of Walter J. Hickel as Secretary of the Interior, I mentioned former Assistant Secretary of the Interior for Mineral Resources, John M. Kelly. I stated that, according to the record, Mr. Kelly had been confirmed with the understanding that he would make a gift of his stock in the Elk Oil Co., a wholly owned family company, to his four minor children, and that he would continue to operate his producing properties on State and private land through his staff. I also indicated that he intended to divest himself of his Federal leases.

I repeat, I mentioned Mr. Kelly's situation only by way of an example of how the Interior Committee has approached this matter in the past. I have never heard from any person, Republican or Democrat, in business or otherwise, one word of criticism of Mr. Kelly's performance in office. He was a credit to that office and to the Department of the Interior.

Last Friday afternoon, Mr. Kelly visited the chairman and me, and advised us that he had divested himself of all of his holdings and operations as an independent oil producer within 90 days of taking office. I was not aware of this change in his plans. Mr. Kelly furnished to the chairman and me a letter which sets forth the situation as it existed.

Mr. President, in order that the record might be clear on the matter, I ask unanimous consent to have printed in the RECORD a letter dated January 24, 1969, from John M. Kelly to Chairman JACKSON, of the Committee on Interior and Insular Affairs, and a letter from Mr. Kelly dated January 24, 1969, addressed to myself.

There being no objections, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
January 24, 1969.

HON. HENRY M. JACKSON,
Chairman, Senate Interior Committee,
Washington, D.C.

DEAR SENATOR JACKSON: When the Senate on January 22, 1969 was considering the nomination of Gov. Walter J. Hickel of Alaska to be the Secretary of the Interior the Congressional Record shows that Senator Allott of Colorado discussed the situation of an Assistant Secretary of the Interior appointed by President Kennedy. I was that Assistant Secretary.

I would like to say that I appreciate the kind remarks made by Senator Allott when he stated,

"He was Assistant Secretary in charge of oil and mineral resources. I have never heard from any person, Republican or Democrat, in business or otherwise, one word of criticism of that man's actions while he was Assistant Secretary of the Interior. He did a fine job."

"At the time of his appointment, he was a consulting mining engineer and geologist, and an independent oil producer and driller as an individual. He was President of the Elk Oil Company, a wholly owned family business. This was in addition to being a producer and a driller as an individual. That company was primarily a royalty company. He was mineral adviser to the New Mexico State Land Office. Mr. Kelly proposed to make a gift of the stock of the Elk Oil Co., to his four minor children. He made Mr. James T.

Jennings, his personal attorney, the custodian of it for the children, if the court approved. According to the hearing record his own staff did continue to operate his individual business as a producer of oil on State and fee lands—not Federal lands, now—through his staff, but his Federal properties were to be divested. That is exactly what we have required in this instance. I do not know that this is clear to everyone who may hear it but when we got through confirmation of these people, the committee, at least the Committee on Interior and Insular Affairs, goes through his portfolio and if there are any stocks in there that might possibly result in a conflict of interest, we ask that a man divest himself of these things. We agree unanimously and we never have any difficulty. Under Mr. Kelly's direction were the Bureau of Mines, the Geological Survey, the Oil Import Administration, the Office of Mineral Exploration, the Office of Coal Research, the Office of Oil and Gas, and the Office of Geography. Now, I repeat, I use this only as an example of how we have approached this matter and to put it in its proper context, because Mr. Kelly served for 4 years until June 30, 1965, and I have never heard one word of criticism of anything he did."

However, I believe that I should clarify to the Committee on Interior and Insular Affairs and to Senator Allott the full extent of my divestiture of personal and corporate interests when I assumed the Office of Assistant Secretary of the Interior.

Senator Allott is correct in saying that the Committee approved and the Senate confirmed my nomination with the understanding that I would sell my holdings of oil and mining company's stock and that Mrs. Kelly and I would make a gift to our minor children of all of our interest in the Elk Oil Company, a wholly owned family corporation. The corporate stock sales were made within a short period of time. With reference to Elk Oil Co., our stock interest was given to an irrevocable trust created for our four minor children and the trust then elected Mr. Jennings as President and Executive Officer of the Corporation. Neither Mrs. Kelly nor myself have held any stock or other type of ownership interest in the Elk Oil Company since June 1961 through this date.

With reference to the statement made in my nomination hearing on March 27, 1961 that I would dispose of, by sale, all my holdings and operations on Federal leases but that I would continue the ownership of my holdings on State and fee lands as an independent operator, said operations to be carried on by my superintendent and staff in New Mexico.

After my confirmation, Senator Anderson, who was the Chairman of the Committee at that time, and I discussed the procedures that I should follow in making my divestitures. With particular reference to my holdings and operations as an independent oil producer, he suggested that I divest myself completely, by sale, of all of my operations irrespective of the mineral ownership of the land, be it Federal, State or fee. He stated that this would remove all possible claims or doubts that could be made against decisions that I would be called upon to make as the Assistant Secretary for Mineral Resources of the Department of the Interior. I agreed to follow this good advice and sold, within ninety days, all of my oil and gas holdings and operations.

During the period that I served as Assistant Secretary for Mineral Resources of the Department of the Interior, I did not hold, own or apply for or operate any oil, gas or mineral lease on Federal, State or any other type of lands. Nor did I purchase stock or hold interests in companies that operated in the mineral areas.

I will appreciate your placing this letter into the official record of the Committee and

the Senate in order that the record will show that the reference to my ownership of securities or personal operations that could have possibly resulted in a conflict of interest were fully satisfied by my complete divestiture of these holdings.

Respectfully,

JOHN M. KELLY.

WASHINGTON, D.C.,
January 24, 1969.

HON. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: I am sending the enclosed letter to Senator Jackson, Chairman of the Senate Interior Committee with the request that it be placed in the CONGRESSIONAL RECORD. I feel that this letter fully clarifies the dispositions that I made at the time I took office of holdings that could have possibly resulted in a conflict of interest.

I wish to thank you for the kind remarks that you made about my performance as Assistant Secretary of the Interior.

Sincerely yours,

JOHN M. KELLY.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Walter J. Hickel to be Secretary of the Interior? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUE (when his name was called). On this vote I have a pair with the Senator from Mississippi (Mr. EASTLAND). If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished minority leader, the Senator from Illinois (Mr. DIRKSEN). If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. METCALF (when his name was called). On this vote I have a pair with the Senator from Connecticut (Mr. RIBICOFF). If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

On this vote, the Senator from Missouri (Mr. EAGLETON) is paired with the Senator from Minnesota (Mr. MONDALE). If present and voting, the Senator from Missouri would vote "yea," and the Senator from Minnesota would vote "nay."

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

The Senator from Illinois (Mr. DIRKSEN) is necessarily absent, and his pair has been previously announced.

The result was announced—yeas 73, nays 16, as follows:

[No. 12 Ex.]
YEAS—73

Alken	Fong	Murphy
Allott	Fulbright	Packwood
Anderson	Goldwater	Pearson
Baker	Goodell	Percy
Bayh	Gore	Prouty
Bellmon	Gravel	Randolph
Bennett	Griffin	Russell
Bible	Gurney	Sasche
Boggs	Hansen	Schweiker
Brooke	Hart	Scott
Burdick	Hatfield	Smith
Byrd, Va.	Holland	Sparkman
Byrd, W. Va.	Hollings	Spong
Cannon	Hruska	Stennis
Case	Hughes	Stevens
Church	Jackson	Symington
Cook	Javits	Talmadge
Cotton	Jordan, N.C.	Thurmond
Curtis	Jordan, Idaho	Tower
Dodd	Long	Williams, N.J.
Dole	Mathias	Williams, Del.
Dominick	McClellan	Yarborough
Ellender	McGee	Young, N. Dak.
Ervin	Miller	
Fannin	Mundt	

NAYS—16

Allen	McGovern	Pell
Cranston	McIntyre	Proxmire
Harris	Moss	Tydings
Hartke	Muskie	Young, Ohio
Kennedy	Nelson	
McCarthy	Pastore	

PRESENT AND GIVING LIVE PAIRS, AS
PREVIOUSLY RECORDED—3

Inouye, against.
Mansfield, against.
Metcalf, for.

NOT VOTING—8

Cooper	Eastland	Montoya
Dirksen	Magnuson	Ribicoff
Eagleton	Mondale	

So the nomination was confirmed.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

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

Mr. MANSFIELD. Mr. President, there are two nominations at the desk from the Committee on Finance. I ask that both nominations, which were reported earlier today, be considered en bloc because they are both from the Committee on Finance.

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF THE TREASURY

The assistant legislative clerk read the nomination of Paul A. Volcker, of New Jersey, to be Under Secretary of the Treasury for Monetary Affairs; and the nomination of Charles E. Walker, of Connecticut, to be Under Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed on the spot.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, because of the strain on some Members of the Senate today on other matters, I ask unanimous consent that, as in legislative session, there be a period for the transaction of routine morning business, not to exceed 30 minutes, and that at the conclusion of that time, or before if there is no further morning business, we turn in executive session to the consideration of the nomination of Mr. Packard to be Deputy Secretary of Defense.

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

PEACE GUN KILLS INOCULATION PAINS

Mr. JAVITS. Mr. President, I should like to bring to the attention of my colleagues an article published in the New York Times which describes the tremendous contribution made by Dr. Robert A. Hingston to world health. Dr. Hingston is the ingenious man who invented a "gun for peace," a jet injector which is a gun-like device that will administer to people throughout the world inoculations against epidemic diseases. By helping to prevent diseases which ravage men both physically and mentally, Dr. Hingston has made a historic contribution to world peace and well-being.

I ask unanimous consent to have printed in the RECORD the article entitled, "Peace Gun" Kills Inoculation Pains," published in the New York Times on October 6, 1968.

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

"PEACE GUN" KILLS INOCULATION PAINS—JET INJECTOR CAN ADMINISTER VACCINES WITHOUT NEEDLE

In Nicaragua it is called "pistola de la paz," in Nigeria "ibon aiafa" and in India it is known as "shanti ki banduk."

Translated, the words all mean "gun of peace," or the jet injector, which is a gun-like device that administers painless injections without needles.

For the last five years, the jet injector has been used increasingly in the worldwide battle against epidemic diseases. Millions are being inoculated every day against smallpox, malaria, polio, tuberculosis and other diseases.

Last year, the World Health Organization and the United States Agency for International Development began an eight-year joint campaign to vaccinate 1.5 billion people throughout the world against smallpox using jet injectors.

The man behind the gun's development is Dr. Robert A. Hingston, a 55-year-old tall, soft-spoken Alabamian.

OIL ENTERS HAND

In 1938, when Dr. Hingston was an intern at the United States Marine Hospital on Staten Island, he came across an odd case. A seaman suffered from a badly swollen hand, which, when lanced, produced about a tablespoon of black liquid. Dr. Hingston found that oil had entered the man's hand as a result of his having held a high-pressure hose that must have had a tiny leak.

He recalled a principle in France in 1868, that a needle could be eliminated through the use of a high velocity spring system. By 1946, he had, with the help of engineers,

developed the first working model of a jet injector.

The gun is entirely spring-powered, and operates somewhat like an automobile jack. The spring is compressed, creating two tons of pressure per square inch. When the spring is released, air is pushed out rapidly, like a piston.

If vaccine and a plunger are put inside the "jack" and ejected through a tiny hole, the vaccine will enter the body, forming a little puddle beneath the skin. Since the hole is the size of a mosquito's nose, the pressure is reduced enough, to about 11 grams, just piercing the skin, although the jets can be adjusted to shoot vaccine into muscle tissue as well.

MIXED WITH ANESTHETIC

The entire process is so rapid that it is painless. The vaccine enters the body at a speed of 700 miles an hour. Sometimes an anesthetic can be mixed with the vaccine so that even a sleeping baby would not feel the inoculation.

In 1958 Dr. Hingston realized the jet injectors could be used for mass immunization projects. He and a group of volunteer doctors, supported by several religious organizations, formed what soon became known as The Brother's Brother Foundation, with headquarters in Cleveland and Pittsburgh.

Since its inception, the Foundation has vaccinated over 6 million people throughout the world. The doctors donate their time and pay their own transportation costs. Drug companies often donate or sell vaccines at half price. All their operating funds are from donations and money from speeches given by the 200 doctors of the organization.

Dr. Hingston's group was the first to discover that, by using jet injectors, vaccines may be diluted and still be effective.

DOSES ALWAYS UNIFORM

"Millions of viruses are injected in a shot," he explained, "but only one needs to take. With needles, doses vary too much to dilute safely. With the gun, doses are always uniform."

By diluting his vaccines, Dr. Hingston said, he can stretch each dollar's worth of vaccine ten times.

The peace guns cost from \$120 for a small hand model to \$1,300 for motor types in the United States. Dr. Hingston said, but are sold for a little less in France, Sweden and Britain where they are also manufactured.

The larger models were designed with motors so that doctors would not get blisters from vaccinating thousands of people in one day. Also, the larger guns can be fitted with bottles or tanks to hold up to one million doses of vaccine.

The Brother's Brother Foundation is now operating primarily in Central America. Dr. Hingston explained, because it is in "our own backyard."

Dr. Hingston, who is presently taking up a new post as professor of anesthesiology and public health at the University of Pittsburgh School of Medicine, is also well known for developing a technique for painless childbirth in the early 1940's.

A BRIDGE TO RUSSIA'S JEWS

Mr. JAVITS. Mr. President, a small but significant breach was made in the Iron Curtain which has cut off the nearly 3 million Soviet Jews from their brethren abroad, when the chief rabbi of Moscow, Rabbi Yehuda Leib Levin, visited the United States.

This was the first visit of a Soviet Jewish rabbi to the United States since the Russian Revolution 50 years ago, although the Soviets had permitted representatives of other religious faiths to visit this Nation on several occasions.

Rabbi Arthur Schneier, the distin-

guished spiritual leader of the Park East Synagogue in New York City, has written a perceptive article on Rabbi Levin's visit to the United States, which was published in the December 24, 1968, issue of *Look*. I ask unanimous consent that this article be printed in the *RECORD*, coupled with the hope, as Rabbi Schneier states in his article, that a new time for the Soviet people of the Jewish faith may be at hand.

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

A BRIDGE TO RUSSIA'S JEWS
(By Rabbi Arthur Schneier)

The visit this year of Rabbi Yehuda Leib Levin, the Chief Rabbi of Moscow, to the United States signals the beginning of a new day, the opening of two-way communications between the world's largest Jewish communities. Until now, the Russian Jewish community of the Soviet Union has been isolated from us. If visits like this continue, these contacts can lead to a general improvement in the lives of three million Soviet Jews.

When I visited the Soviet Union in 1966 as the head of the Interfaith Appeal of Conscience Foundation, to meet with Christian and Jewish religious leaders, I found the Jews there lacking many privileges given the Russian Orthodox and the Baptists. When I went back last year, I found things a bit improved for Russian Jews. Matzah was available, 10,000 prayer books were being printed, and fears that a Stalin-Khrushchev repression might recur had abated.

I consider Rabbi Levin's visit significant because, for the first time in 50 years, a rabbi was permitted to leave the Soviet Union with the blessings of the Russian Government. Although churchmen had traveled abroad, no rabbi had done so since the Russian Revolution.

Rabbi Levin is the spiritual leader of Moscow's Central Synagogue and the only rabbi for Moscow's 500,000 Jews. Since Jewish communities in the Soviet Union function independently, Rabbi Levin could only speak for the Central Synagogue. He did point out, however, that he "shared the aspirations" of Soviet Jews, who are considered not only as a religious group but also as one of the country's 120 nationalities.

At first, his visit to the U.S. evoked considerable confusion. Some people thought that the Rabbi was just a carrier of Soviet propaganda. When he first arrived, Rabbi Levin addressed a meeting at Hunter College in New York. He told his audience that there was no anti-Semitism in the Soviet Union. Some of his listeners jeered and booed. This patriarch of 74 was crushed by the hostile reaction.

Rabbi Levin is not a tool of the Soviet Government. Anti-Semitism as such is outlawed by the Soviet Constitution. We are not dealing here with classical anti-Semitism. The problem of Soviet Jewry is really one of forced assimilation. The Soviet Union is a society in which, for 50 years, no one under 18 has been permitted to receive any religious instruction. For several generations, young Jews have had no exposure to Judaism or the Hebrew language. Still, they have not lost their Jewish identity. On last October 15, for the celebration of Simchas Torah, thousands of young men and women joyfully sang and danced in the Central Synagogue and on Archipov Street. They came there to show that they were Jews.

After the Hunter College incident, our Appeal of Conscience Foundation tried to introduce Rabbi Levin to every sector of religious life in America. He visited synagogues, religious schools and seminaries. It was a revelation for him to meet hundreds of young rabbis and girls and boys studying the Torah. It made an unforgettable impression on him, as did the interfaith cooperation

he saw between Christian and Jewish clergymen.

Here, we take Sunday schools and religious schools for granted. They don't exist in the Soviet Union. Rabbi Levin was overwhelmed by our vibrant Jewish life, and hoped that someday this vitality could exist in the Soviet Union.

What impressed me most about this man was his compassion and humility. He said to me, "All the honors and all the warm accolades I received are not tributes to me personally. They are really an expression of friendship to the Jews of the Soviet Union extended through me." This is the great significance of the Rabbi's visit: He is the bridge, the link, between the Jews of Russia and their coreligionists abroad; there is no one else.

His visit was a breakthrough, but it does not solve the basic problems of religious Jews in the Soviet Union. The most serious of these is the lack of religious education, the lack of facilities for the training of religious leaders. One must know Hebrew to study the Bible and the Talmud. A boy or girl at the age of 18 cannot be expected to start from scratch. The Jewish way of life can be achieved only through education, and the Hebrew language is the bond that ties one Jew to another, as Latin has done for Catholics. Judaism in the Soviet Union may soon find itself without leadership. A lack of rabbis in training remains the most distressing problem for Soviet Jewry. The average age of the surviving rabbis is about 70. If Judaism is to endure in the U.S.S.R., the government will have to permit Jewish children to study their religion and the Hebrew language.

Both Christian and Jewish religious groups in the United States and in the Soviet Union have a common tie: the belief of God. Through this bond, a better relationship could be established between the American people and the Russian people. We are told there are 50 million believers in the Soviet Union and only 12 million Communists. And among Americans, there is wide identification with the major faiths in the Soviet Union. If we can use this vast resource to build a bridge, it would certainly be extremely helpful in terms of Soviet-American relations.

The Soviet Government has encouraged contact among Christian religious leaders. It permitted the Russian Orthodox Church to take an active role in the World Council of Churches, and encouraged Soviet Catholics to participate in Vatican II. It has done such things as a response to the influence and the effectiveness that religious leaders have in the West. The goodwill resulting from Rabbi Levin's visit to the United States is important to the Soviet regime.

To build on his visit, the government might permit Jewish children to study Hebrew and religious subjects and thus ensure leadership for the future. The establishment of a centralized Jewish community organization, similar to those of the Russian Orthodox and Baptist, would also strengthen the viability of Jewish life.

Another step often mentioned would be to allow Soviet Jews to emigrate to Israel. After Premier Kosygin's announcement permitting the reunion of families separated by World War II, thousands of Jews left Russia for Israel. This policy stopped after the Six Day War, when the U.S.S.R. broke diplomatic relations with Israel.

Many Soviet Jews are still greatly interested in being reunited with their families abroad. I would hope that purely on humanitarian grounds, after the hardship of long years of separation, their departure would be facilitated.

What is terribly important is to make sure that the Jews who want to remain in the Soviet Union have an authentic Jewish life. An organized Jewish community would not be unusual for a Communist society. A Jewish community flourishes in Communist Hungary today.

It is important to have a dialogue between coreligionists in different parts of the world, particularly between Soviet Jewry and American Jewry. We could strengthen each other in many ways. Rabbi Levin has by now reported to Moscow's Jewish community on the great development of Jews in America. American Jews can have the satisfaction of helping to keep alive spiritually a great segment of our people. Maybe we can actually serve as a conduit for better relations between the two countries.

We hope that Rabbi Levin's visit opened the door for future visits to America by Russian Jews, that a new time is at hand and that this was the real beginning. The impact of his visit will be measured in the months and years ahead. It is an historic moment.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. RANDOLPH, Mr. President, the *RECORD* of January 16, 1969, page 1038, indicates that I introduced S. 355, the Federal Coal Mine Health and Safety Act of 1969, a bill to improve the health and safety conditions of persons working in the coal mining industry of the United States. I made brief comments thereon. At page 1039, the *RECORD* reflects that S. 355 was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The *RECORD* of January 21, 1969, at page 1312, reports, under the heading, "Federal Coal Mine Health and Safety Act of 1969," that a letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to improve the health and safety conditions of persons working in the coal mining industry—with accompanying papers—was referred to the Committee on Interior and Insular Affairs.

Mr. President, inasmuch as the bill (S. 355) which I introduced is that to which the Assistant Secretary of the Interior referred in his letter, and inasmuch as that measure was referred to the Committee on Labor and Public Welfare, I ask unanimous consent that the letter by Assistant Secretary J. Cordell Moore explaining and supporting it be printed in the *RECORD* at this point and that a copy be referred also to the Committee on Labor and Public Welfare. It is entirely agreeable that the original letter be a matter of record in the Committee on Interior and Insular Affairs.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., January 14, 1969.
HON. HUBERT H. HUMPHREY,
Speaker of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To improve the health and safety conditions of persons working in the coal mining industry of the United States."

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Last September the President proposed a new Federal Code Mine Health and Safety Act. Since then, the tragedy at Farmington, West Virginia, occurred and claimed the lives of 78 coal miners, leaving deep and lasting wounds on their families and friends. This tragedy served to dramatize and bring to the attention of the nation the health and

safety conditions in the coal mines of this country.

After the November 20 tragedy we began to re-evaluate the September legislative proposal and our performance in the field of coal mine health and safety. Every pertinent resource in this Department—technical as well as legal—has been enlisted in a sustained and intensive effort to answer a single question: What can be done to guarantee a safe and healthful working environment to the men who mine our coal?

Our approaches to this question have been along two principal lines. First, we have sought to determine whether we are doing everything possible under present law. Second, we have closely scrutinized the strong mine health and safety measure proposed last September to see what further refinements are possible.

We are also considering what additional measures, other than legislation, would provide reliable insurance against the perils faced daily by our coal miners.

In the first of these approaches we have ordered several changes in Federal inspection procedures under the existing law which are as follows:

(1) The Bureau of Mines will increase sharply the number of "spot" inspections—where an inspector looks only at part of a mine. Last year, less than 200 spot inspections were made. Next year, there will be at least 1,000 of them, in addition to the continuing series of complete regular inspections.

(2) Advance notice of inspections, regular or otherwise, will not be given by the Bureau to mine operators or labor under any circumstances. Until now we have permitted advance calls to determine whether the mine would be working on the date of the inspection. This practice will be terminated.

Incidentally, the Coal Mine Inspector's Manual also is undergoing the closest kind of scrutiny and is being revised wherever necessary to assure full and effective discharge of all Bureau responsibilities under the law and to reflect the increased emphasis laid out here.

(3) The Bureau will make special inspections of any coal mine on receiving a complaint of a violation of a Federal health or safety standard from a union representative, from the mine safety committee, or from a minimum of three mine employees. In addition, we will guarantee that the source of the complaint will be kept confidential.

(4) The frequency with which tests for methane must be made in order for a mine operator to be in compliance with the existing Act will be stipulated.

(5) The Bureau will require that every operator of an underground coal mine submit for the Director's approval a roof control plan covering all haulageways and roadways.

(6) Notices will be issued in the case of every violation, even if a violation is corrected immediately in the inspector's presence, while the inspector is still underground.

(7) Improperly rock-dusted coal and accumulations of methane in excess of 1.5 percent in the active underground working places of a mine are significant ingredients of a mine explosion and the presence of either or both of such conditions creates a danger of an explosion occurring before these conditions can be eliminated. Accordingly, in gassy underground coal mines where there are accumulations of coal dust not rock-dusted as required by the Act, or accumulations of methane in excess of 1.5 percent in the active underground working place, we are issuing withdrawal orders because the existence of either condition creates an imminent danger of a mine explosion.

We believe that more vigorous enforcement of the present Act, inadequate as it is, is essential to improve as effectively as we now can the day-to-day safety and health of coal miners and to minimize the possibility of another mine disaster like the one at Farmington.

I turn now to the new legislative proposal.

In 1952, 42 years after the public outcry at the wanton sacrifice of human life in the underground coal mining industry led to the establishment of the Bureau of Mines, the Federal Government took its first timorous and hesitant step away from voluntarism in the effort to prevent major mine disasters.

The hesitant, indeed the almost apologetic, manner in which the Federal Government entered the field of enforcing mine safety standards is illustrated by the fact that the 1952 Act was designed to control the occurrence of major disasters only—those which, as the legislative history observes, take the lives of five or more miners in a single accident. The non-disaster type of safety as well as the entire field of health were not only not covered, but the intention to do so was expressly disavowed. And this, in the face of the fact that major disasters even then accounted for not more than 10 percent of the fatalities in underground coal mining. The causes of 90 percent of the fatalities in coal mining as well as the entire field of health were left where Congress found them in 1952—outside the scope of the Federal law.

Nothing more graphically illustrates the limited nature of the Federal concern with mine safety under the present law than the example cited by the then House Committee reporting out the 1952 legislation—that of "permissible equipment." The only concern that the Bureau of Mines was to have with "permissible equipment" was to determine whether its design, construction, and operation were such that it would not cause a mine explosion or a mine fire. The report stressed the fact that the legislation it was reporting out did not require the equipment to be designed or maintained with regard to the health and safety of the operator or the men working around the equipment. The Federal law, the report underscored, would not protect the operator or the men from, and these are direct quotes, "the lack of, or inadequacy of, guards or protective devices."

With the 10 percent of coal mining fatalities with which the law did concern itself, the House report in 1952 found that the basic causes were few and that they could and should be eliminated. The report expressly found that the means of eliminating these disasters were well known and that the costs were not at all prohibitive.

In the sixteen years that have elapsed since 1952, two facts have become all too clear:

(1) While there have been substantial reductions in major disasters, the Congress' expectation that they could and should be eliminated has not been realized. In the 20 years immediately preceding passage of the 1952 Act, the nation suffered 88 coal mine disasters that claimed more than 1,600 lives. In the more than 16 years since passage of the Act, we have suffered 24 major disasters with a total death toll of 309, until Farmington which added 78 more. This is progress, but hardly the type to shout about.

(2) The great mass of non-disaster type fatalities and the health hazards of underground coal mining continue unabated as there are no tools in the Federal inspector's hands to combat them.

We contend that the American people no longer are willing to accept the inevitability of injury, disease, and death as a price that we must pay for coal. We also contend that the American people will support strong legislation which may seem drastic in comparison to what is now on the books, but which is necessary to improve substantially the worker's health and safety.

That was the President's purpose last September when he proposed a new Federal Coal Mine Health and Safety Act. His aim then, as now, was to provide the best assurance possible for curbing the accidents that claim miners' lives by ones, twos, and threes; to control more effectively the conditions that give rise to coal miner's pneumoconiosis; and

at the same time, to reduce disaster-type accidents to as nearly zero as is possible.

Briefly the major features of the bill are as follows:

(1) **Mandatory Health Standards.**—The proposal would for the first time provide authority for the Secretary to promulgate by regulation mandatory health standards for underground coal mines. The standards would be based on criteria developed by the Secretary of Health, Education, and Welfare.

In addition, the proposal for the first time would establish an interim mandatory dust standard for such mines. The standard was developed by the Secretary of Health, Education, and Welfare and published last month. It requires that all underground mines must reduce respirable dust concentrations in the active underground working places to achieve, as soon as technically feasible, an interim mandatory health standard of 3.0 milligrams of dust per cubic meter of air. The Secretary of the Interior would publish a compliance schedule 60 days after enactment. At this time it is our thinking that the first step in the schedule would be to require that all underground coal mines meet a standard of 4.5 milligrams of respirable dust per cubic meter of air not later than one year after enactment. The need for such an interim standard is clearly demonstrated.

(2) **Flexibility.**—The present Federal Coal Mine Safety Act, as you know, prescribes in great detail mandatory safety standards for underground coal mines but does not permit any modifications of the standards by the Secretary in response to technological changes in coal extraction and to the occurrence of new mining hazards. Also it does not permit us to change the standards by regulation if we find that they are unworkable or difficult to administer. The only way that these changes can be accomplished is through an Act of Congress which is a procedure that does not lend itself to providing expeditiously the needed responses to health and safety conditions in a dynamic industry.

We are sure that the Congress will be the first to admit that it is not equipped to develop adequate and effective mandatory health and safety standards for any industry. This is a procedure that should be left to regulations issued in accordance with congressionally established procedures. As far back as 1933 with passage of the Federal Food, Drug, and Cosmetic Act, Congress recognized the necessity for this type of flexibility of response. That Act gave the agency responsible for its administration the freedom to develop and promulgate health and safety standards and to revise old ones as the need became apparent in accordance with prescribed procedures established by Congress. This need for such flexibility in the age of rapid technological change has been acknowledged time and again by Congress during the past decade in other measures such as the Aviation Act of 1958, the Water Quality Act of 1965, the National Traffic and Motor Vehicle Act of 1966, the Federal Metal and Nonmetallic Safety Act of 1968, the Clean Air Act of 1967, the Natural Gas Pipeline Act of 1968 and the Radiation Control for Health and Safety Act of 1968.

The enclosed proposal would provide this flexibility by authorizing the Secretary to promulgate by regulation mandatory health and safety standards applicable to coal mines subject to the Act. The standards would be developed in consultation with other Federal agencies, representatives of the States, representatives of the coal mine operators and coal mine workers, and other interested persons and organizations and such advisory committees as the Secretary may appoint. The standards would be developed by taking into account available scientific data and experience gained under previous health and safety standards. The rule-making provision of section 553 of title 5 of the United States Code would apply to the promulgation of these standards.

(3) **Non-Disaster Type Accidents.**—A major

thrust of the proposal is its provisions for coping with causes of the many fatal and nonfatal injuries that do not constitute major disasters. The present Act is aimed primarily, as we have already stated, at the so-called "major disasters"—that is, accidents resulting in death to five persons or more. Consequently, its standards have not enabled us to require the practices and procedures that would avoid the many accidents that kill or seriously injure coal mine workers by the ones, two, or threes. According to our figures for 1968, 203 of the 290 fatalities were recorded in the "accident" rather than the "disaster" category. In other words, nearly two and a half times as many coal miners died last year in roof-fall, haulage, or other accidents than in the catastrophic type accidents that occurred at Farmington.

The enclosed proposal would require publication of standards providing practices and procedures to prevent these types of accidents and would authorize withdrawals either where an imminent danger occurs, that is, where the existence of conditions or practices in a coal mine could reasonably be expected to cause death or serious physical harm before such conditions or practices can be abated, or where there is a failure to abate a violation of a standard within a reasonable time.

(4) *Surface Coal Mine*—The proposed legislation would be applicable to health and safety conditions to surface coal mines such as strip and auger mines which now supply over one-third of our domestic coal produced and account roughly for 12 percent of the fatal and nonfatal injuries in the coal mining industry.

(5) *Interim Safety Standards*—In addition to authorizing the issuance of mandatory standards by regulation, the proposal sets forth a series of interim safety standards, many of which are in present law. They will remain in effect until modified or superseded by later regulation of the Secretary. These standards include a number of changes which we believe are essential to reduce substantially the fatal and nonfatal accidents occurring in the industry today. Many of these have been developed to cope with a particular type of fatal accident that has already been experienced in a mine. Some were included at the specific suggestion of management or labor, or both. We believe all are technically sound and workable.

(6) *Gassy and Nongassy Mines*—The proposal would remove the differences in the interim safety standards between gassy and nongassy mines. All underground coal mines would be subject to the same standards because all such mines are potentially gassy.

In the last 16 years there have been 52 ignitions or explosions in nongassy coal mines killing 27 and injuring 54 (see enclosed Table B). The number of active coal mines which were operated as nongassy were classed gassy after 15 years is 26, while 131 mines were operated nongassy for a period up to 5 years (see enclosed Table C).

At this point, let me make it unmistakably clear that while all authority under this proposal would be vested in the Secretary as in the case of other Acts administered by this Department, it will be delegated to the Bureau of Mines which will be responsible for the day-to-day administration of the Act, just as is done today.

A more detailed statement of the provisions of this legislation is enclosed for your convenience.

We strongly urge the early enactment of this important health and safety legislation so we can begin immediately to better cope with the problems associated with the coal mining industry. Enactment of this proposal would replace a law that was called inadequate by President Truman at the time of its passage—and has been proved inadequate during the years it has been in effect—with

legislation that can go a long way toward giving the coal miner his right to a safer and more healthful work environment.

By letter dated January 14, 1969, the Bureau of the Budget advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

J. CORDELL MOORE,
Assistant Secretary of the Interior.

THE SECRETARY OF TRANSPORTATION

Mr. PEARSON. Mr. President, the Kansas Contractors Association, by unanimous agreement, has adopted a resolution commending President Nixon's choice of Governor Volpe for Secretary of Transportation. This expression of support, I feel, indicates that Secretary Volpe's qualifications and experience makes his selection an excellent one. I am hopeful that through the new Secretary's leadership, government and industry can work together toward solving the Nation's mounting transportation problems.

I ask unanimous consent that the contractor resolution be placed in the RECORD.

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

Whereas, Richard M. Nixon will be inaugurated as President of the United States on January 20, 1969; and

Whereas, President-elect Nixon has selected Governor John A. Volpe of Massachusetts to serve as Secretary of the Department of Transportation; and

Whereas, Secretary-Designate Volpe is a contractor, served as the first Federal Highway Administrator during the Eisenhower Administration, is a past national president of the Associated General Contractors, is well-known to many members of the Kansas Contractors Association and is familiar with the problems of the construction industry in general and the highway program in particular; Now, therefore, be it

Resolved, that we, the Kansas Contractors Association in this our 46th Annual Meeting, highly commend President-elect Nixon for his selection of Governor Volpe to this important post, being confident that his judgment, knowledge and experience will be used to resolve the confusion and delay which has characterized the Federal government's policies regarding the Federal Aid Highway Program in recent months; that the excellent relations between the Federal government and the states which have existed throughout the life of the highway program will be continued and strengthened, and that the Department of Transportation and most especially the office of the Federal Highway Administrator, will return forthwith to that area of endeavor in which it can best serve, the building of highways for the benefit of all of the people in every area of the United States; be it further

Resolved, that a copy of this resolution be sent to President-elect Nixon, Secretary-Designate Volpe, members of the Kansas Congressional delegation and that it be reproduced in an early issue of "The Construction Bulletin."

CLAUDE M. RHOADES,
President.

Attest:
K. W. COMFORT,
Secretary-Manager.

DICTATOR FRANCO'S DEMANDS

Mr. YOUNG of Ohio. Mr. President, the administration is now negotiating

for a renewal of air and naval base rights in Spain under circumstances describable only as extortion undertaken by the government of the Spanish dictator, General Franco. These bases are part of the NATO defense system. I have visited American naval and air bases in Spain and conferred with our officials there and with top officers of our Air Force and Navy. Without doubt, these bases are completely unnecessary as far as the defense of the United States is concerned. They are of no benefit to us whatever. Nevertheless, we have offered the Spanish dictator, Franco, more than \$250 million to permit us to retain them for 5 more years. Franco is demanding \$1 billion. In other words, Franco feels that the United States should pay him for the privilege of protecting Spain. How outrageous?

Millions of liberty-loving Spaniards regard our tremendous aid to Franco as the most powerful factor in keeping this dictator in power. The United States is damaging itself in world opinion by continuing to prop up his regime. To allow our country to be blackmailed by him must not be tolerated. We should state definitely that if Franco is willing to contribute to his country's defense by providing bases for American warships and warplanes, that is agreeable to us. Let it be clear that we will not pay bribes. If this is not agreeable to him, we should close our bases there and get out as soon as possible. Our Government, in aiding, financially, dictators such as Franco of Spain, Duvalier of Haiti, those Fascist colonels in Greece, and those dictatorial Fascist generals who overthrew the duly elected governments of Brazil and the Argentine Republic has undertaken a mistaken and dangerous policy if for no other reason that in the end the people of those countries will kick those dictators out.

INADEQUATE FUNDING FOR HANDICAPPED CHILDREN

Mr. PROUTY. Mr. President, last week I spoke briefly about the inadequacy of former President Johnson's budget requests for the national defense student loan program. Now, I would like to bring to the attention of Congress and the Nation additional shortcomings in the budget estimates for assistance to handicapped children.

For a number of years, Mr. President, I have been concerned about the lack of assistance provided for the education of children who have physical and mental disabilities. There are in the United States over 7 million of these children who need special attention and facilities in order to learn. Recently we have been successful in enacting legislation which established within the Office of Education a Bureau of Education for the Handicapped. In addition, authorizations have been made under other acts for research and demonstration projects and for the training of professional personnel.

Some progress has been made. One-third of the handicapped children in the country are being given assistance, and some 35,000 teachers have been specially trained during the past 10 years. However, there are some 4 million children

currently without aid and there is a need for 300,000 teachers to instruct them.

We do not need additional legislation at the moment, Mr. President. We do not need higher authorizations. What we do need, however, are funds to make the programs already on the books operational. The Johnson lame-duck budget is shockingly inadequate in this regard. The requests for the bureau of the handicapped are only \$6 million more than was appropriated for fiscal year 1969. More appalling is the fact that four of the key programs have been held to the present level of funding.

Public Law 85-926, has been the main vehicle by which teachers were trained to assist the handicapped. However, the grants awarded have been mainly on the graduate level. This has meant that lower echelons of teachers who come into contact with handicapped children have not had extensive opportunities for training. The bureau of the handicapped is attempting to remedy this situation by reprogramming some of its appropriated funds into prototype programs which will attempt to increase the manpower training potential. Although Congress authorized \$55 million for Public Law 85-926, funding has been held to the 1969 level of \$29.7 million. This means that the prototype programs may have to be canceled and that some existing training grants cannot be extended.

Another serious shortcoming in the budget proposals is the maintenance of the present level of funding for title VI of ESEA. Under this program grants-in-aid are provided to the States to assist them in initiating and expanding special education services. By authorizing \$200 million for this program, Congress made a commitment to the States. The Johnson budget which requests a paltry \$29.25 million—15 percent of the authorization—represents a major failure of the Government to meet Congress commitment to these handicapped children. The other two programs which have been held to the 1969 level of funding are the educational media and training and research in education programs.

Mr. President, we cannot allow our efforts in this field to diminish for lack of funds. We must recognize the continuing needs of these handicapped children and request additional appropriations so that the present level of assistance can be maintained and some additional progress can be made.

COMMENDATION FOR DISTRICT OF COLUMBIA POLICE

Mr. MURPHY. Mr. President, it has been all too often that police forces throughout the Nation have been criticized for the manner in which they have attempted to uphold the laws and maintain order. But it is seldom that these men charged with the responsibility of protecting the welfare of our people are praised for exemplary performance.

At the inauguration of President Nixon we witnessed the actions of a police force that is truly committed to preserving order under law. The Metropolitan Police force of the District of Columbia reacted to an incendiary situation sparked by a

band of alienated demonstrators with a sense of calm. Whatever personal anger they may have held was subdued by their careful handling of those who would desire to destroy the entire framework of our democratic form of government without thought of what to build in its stead.

A Washington Post editorial yesterday rightly termed the actions of some of the counter-inaugural demonstrators as "vandalism and violence." As this editorial stated:

It should be remembered that the protection of the right to dissent, indispensable to a free society, can best be preserved by a recognition that it entails the expression of ideas, not an overriding of the rights of others.

The Nation's Capital—so plagued by crime and violence—is lucky, indeed, to have a police force that recognized its responsibility and planned and acted effectively and properly with forbearance and restraint. Its members are deserving of commendation.

POVERTY AND HUMAN RESOURCES

Mr. GOODELL. Mr. President, I wish to call the attention of my distinguished colleagues to an article by Sar A. Levitan, which will appear in the 1969 January-February issue of *Poverty and Human Resources*.

Dr. Levitan, a renowned professor at the Center for Manpower Policy Studies of George Washington University, and a close personal friend, is well known for his study and examination of the various proposals and programs to eliminate poverty. His most recent article on this subject includes a thoughtful and astute analysis of the community self-determination bill.

Although I do not always agree with Dr. Levitan's ideas and recommendations, I am certain that "Community Self-Determination and Entrepreneurship: Their Problems and Limitations," will contribute substantially to the current dialog on poverty programs; programs in which I have a keen interest.

I am pleased to ask unanimous consent that this excellent article be printed in the RECORD.

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

COMMUNITY SELF-DETERMINATION AND ENTREPRENEURSHIP: THEIR PROMISES AND LIMITATIONS*

(By Sar A. Levitan, Center for Manpower Policy Studies, the George Washington University)

The welfare programs inaugurated by the Great Society have helped to reduce sharply the incidence of poverty, and to alleviate conditions for those who remain poor. Admittedly, the reduction of poverty was a product of labor shortages, more the result of the Vietnam war than Great Society programs. Nonetheless, new federal programs have helped absorb labor slack, and have established institutions which bear promise for the further reduction of poverty. Included among the major potential and actual accomplishments of the recent antipoverty efforts are:

Establishment of birth control aids to help reduce the number of unwanted children, and the poverty which often accompanies them;

Establishment of preschool facilities for poor children as a headstart in their educational pursuits;

Development of a health delivery system in poor neighborhoods;

Protection of the legal rights of the poor through the establishment of legal service offices;

Helping poor youth achieve a college sheepskin, a sure way to escape poverty.

NEW PANACEAS AND APPROACHES

No claim is made that the poor, or the nation for that matter, are getting their money's worth from all the Great Society efforts. But from the vast experimentation of the past few years, we have learned some important lessons and have established institutions which have great potential in helping the needy. The present danger is that as the record of the Great Society is closed, these lessons may be discarded. It is extravagant to expect that the propensity for seeking instant solutions to complicated age-old problems will diminish or disappear. Such solutions are already filling the air. The allure of these panaceas lies basically in the general disillusionment with existing and past welfare programs and the specific dissatisfaction of Negroes and other minority groups. There is a pervasive feeling that "big government" has failed and the resulting belief that the private sector could succeed in alleviating poverty. The new proposals in the antipoverty war thus focus on the need for nongovernmental and decentralized decision making.

In this context, decentralization has its advantages. When decisions are made closer to the conditions that they affect, greater adaptation, flexibility and responsiveness to needs can be expected. Decentralization may also lead to increased initiative, responsibility, and effort as a result of meaningful participation in decision making.

Though the case for decentralization is clear, it is sometimes overstated. The romantic notion that localized decision making is more responsive to the "public interest" is not always borne out. Historically, "grass roots democracy" has often permitted the most vicious disregard of local minorities. Moreover, centralization is necessary to effect quick large-scale transfers of resources from one use to another. Finally, given the shortage of trained personnel to administer welfare and related programs, centralization may be the most efficient way of utilizing limited resources.

The general direction of new proposals is towards private and decentralized decision making. Two major elements are involved in these proposals: The first aims at the involvement of the business sector in the war on poverty, letting the individual business firms make employment and location decisions with government structuring the market framework rather than actively participating. Business involvement has been encouraged by the Great Society. Reimbursements to employers for providing on-the-job training were included as part of the 1962 MDTA. Used sparingly at first, OJT was given increasing prominence. By 1967, direct payments to employers for training and retraining disadvantaged workers had become a major aspect of the antipoverty programs.

The new panacea frequently advanced to induce business to locate in slum areas or to hire, train and retrain the nation's poor is the use of tax incentives. Of course, tax policies have been used in the past to achieve socially desired ends, and it might be possible to design tax incentives to combat poverty. It must be realized, however, that such schemes are at best limited in application and cannot effectively replace the current antipoverty programs. As Senator Charles E.

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Goodell of New York stated: "I think we will delude ourselves and delude the people if we think that any kind of private enterprise programs will be a substitute for direct public programs." Tax incentives, according to Senator Goodell, may be used as a supplement, not a substitute, for existing anti-poverty programs. Senator Goodell's point applies to many proposals which, though advertised as panaceas, are in fact limited-purpose components of a comprehensive welfare program.

The second element permeating the proposals to decentralize decision making aims at giving the poor a greater voice in their affairs. This has antecedents in the Great Society with the CAP program under the EOA and other legislation. CAP gave local agencies control over the delivery of a wide range of welfare and manpower services. But the new thrust towards decentralization seeks control over the sources of funding as well as the expenditure of these funds.

One of the new "solutions" to combat poverty and cure the ills of the ghetto would make capitalists of the poor. According to this argument, if capital ownership were more equally distributed, wage earners would have a second income, consumption would increase, stimulating production and generating profits which would in turn facilitate further growth of the economy. The trick is to convert wage earners into collectors of dividends. According to the proponents of the second income scheme, their goal can be achieved by establishing investment trusts to purchase capital for employees with money loaned by the government. The income from capital would be used to repay these loans, and corporate taxes would be eliminated to stimulate increased dividends. Control over the sources of wealth would thus be broadly spread; and the government would no longer have to redistribute a large part of the income from capital for welfare payments. But if corporate taxes are cut and transfer payments reduced in proportion, then the "second income" will merely replace government redistribution, and there will be no increase in aggregate demand. Unless the total income pie grows, the "second income" scheme would lead only to the redistribution of wealth and not its growth; without growth, the scheme is clearly confiscatory. Other proposals included in the plan are also open to question, especially the basic assumptions as to the relative importance of capital income, the distribution of capital ownership, and the blithe acceptance of the redistribution multiplier. But these "details" do not seem to bother the proponents of the second income or dim the glamour of the scheme which surprisingly has received considerable attention. A recent study by the prestigious Congressional Joint Economic Committee included the second income proposal as one alternative for income maintenance in the years ahead.

It would seem clear, then, that the attempt to find a total solution to the problems of poverty either in the involvement of the business sector or in the increased economic independence of the individual cannot be successful. Neither tax incentives nor a second income can replace the range of present anti-poverty efforts.

The search for a panacea has thus been forced into another direction, one which hopes to achieve both the involvement of business and the economic independence of the poor. Advocates of such plans envision ghetto residents achieving equality with other Americans through ownership and operational control of profit-making ghetto enterprises. By creating an indigenous business leadership class, spreading personal interest in the success of local enterprises over a wider base, and binding community development to the profits of community businesses, black entrepreneurship is intended as a curative for discontent and as a key to solving ghetto problems. President-elect

Richard M. Nixon stated the case for black capitalism early in 1968 in a much-publicized campaign address, "Bridges to Human Dignity":

"Philosophies, wars, power structures, all have turned historically on the basic questions of ownership—who owns the means of production, who owns land—for the simple reason that with ownership goes power, prestige, security, the right to decide and to choose . . .

"For a long time, we . . . have been talking about preservation of the private enterprise system, about enlisting private enterprise in the solution of our great social problems, about profits as the great motive power of our fantastically productive economy. What many of the black militants now are saying, in effect, is this: 'We believe you, and now we want a chance to apply those same principles in our own communities.'

"Our reply should not be to reject this request, but to seize upon it—and to respond to it.

"The ghettos of our cities will be remade—lastingly remade—when the people in them have the will, the power, the resources and the skills to remake them."

If the solution to the ghetto problems requires the full participation of minority groups in the business sector, there is a long road ahead. While Negroes constitute 11 percent of the population, they own or operate less than one percent of the nation's five million private businesses. Only 3.5 percent of the non-whites in the labor force are managers, officials, or proprietors compared with 14.2 percent of the white labor force. One out of every 40 whites is a proprietor, but only one out of every one thousand Negroes is a proprietor, and typically he operates a marginal business.

To increase Negro entrepreneurship, a wide variety of programs has been proposed, ranging from traditional loans to small businessmen to plans for numerous incentives for business to locate in ghetto areas and to turn the enterprises over to their residents. The proposal which has received the widest attention is the Community Self-Determination Act of 1968. Though no hearings were held in the 90th Congress, the bill received broad bipartisan support and was sponsored by more than a third of all Senators. Drafted initially by Roy Innis of CORE and Gar Alperovitz of the Kennedy Institute of Politics at Harvard, it was first introduced by four Republican Congressmen—Charles E. Goodell (since appointed Senator), Thomas B. Curtis, William B. Widnall and Robert Taft, Jr. Scores of Representatives have since joined in sponsoring this bill. In the Senate, the major sponsors were Republicans Jacob K. Javits of New York and Charles H. Percy of Illinois and Democrats Gaylord Nelson of Wisconsin and Fred R. Harris of Oklahoma. Outside Congress, support for the bill came from diverse quarters ranging from traditional conservatives to radical militants.

COMMUNITY SELF-DETERMINATION BILL

The announced purpose of the Community Self-Determination Act is to give ghetto residents control over their own destiny by "securing gainful employment, achieving the ownership and control of the resources of their community, expanding opportunity, stability, and self-determination," thus giving them power to shape their communities' economic and other activities. As envisioned by the sponsors of the bill, the goal of self-determination is two-fold. First, Negroes must have the right to own and manage their own businesses; to be producers, distributors, and entrepreneurs as well as workers and consumers. Second, the ghetto residents themselves must be able to control social services. Those involved must have the prerogative of identifying and ministering to their needs in education, welfare, and community planning. Governmental programs, it is argued, can no longer reintegrate the slums

into the mainstream of American life. It is the people themselves who must be given a voice, a chance to regain their pride and to help themselves.

1. Community development corporations

To this end the bill provides not only for new tax regulations, but for the creation of new institutions, including neighborhood organizations and banking facilities. Central to the design is the establishment of locally organized and controlled Community Development Corporations, chartered by a National Community Corporation Certification Board (NCCCB) and owned by at least ten percent of the residents of the area. Community Development Corporations could be established in any contiguous area, urban or rural, with 5,000 to 300,000 residents over the age of 16, in which the median income or the employment level fell below national norms. Stock in the corporation would be sold at \$5.00 per share or an equivalent amount of "sweat equity," each member receiving one vote regardless of his holdings.

The corporation's functions would be: 1) provision of neighborhood welfare services such as basic education, child welfare, pre-school training, health care and consumer education; 2) ownership of stock in, and support of, business ventures within the area; 3) ownership or management of community housing; 4) planning of neighborhood renewal and development; 5) representation of community interests in areas of public policy; and 6) encouragement of business, labor, religious, and other organizational participation in community projects.

Management of the corporation would be in the hands of a nine-member board of directors, elected by the shareholders. CDC's business enterprises would be separated from its social functions by the establishment of a Business Management Board, elected by the CDC directors and responsible for corporation-owned or supported businesses.

Initially, the CDCs would be funded by federal grants matching the value of the stock sold (including sweat equity) at the time of charter. Later, additional revenue would come from community services provided on a contract basis to governmental or private agencies, and from profits on CDC-owned businesses. In addition, grants for some types of business ventures would be available from the Small Business Administration.

2. Banking facilities

To provide the banking and technical services essential to CDC success, the bill authorizes the creation of Community Development Banks (CDBs) organized by CDCs and chartered by the NCCCB. The special banks would offer consumer credit to CDC shareholders and would provide loans to local businesses, cooperatives, subsidiaries, and outside corporations which have entered into development agreements with the CDCs. The banks' functions would be limited to the CDC areas, with priority given to CDC members' needs.

The banks' capital would come from the sale of stock. With appropriations from Congress, U.S. Treasury funds would be made available for purchase of non-voting, non-dividend paying stock. Other non-voting stock paying up to six percent dividends would be issued to buyers outside the federal government. The only voting stock would be held by the individual CDCs, but this controlling stock would pay no dividends. It is contemplated that the Treasury contribution would serve as seed capital. Further expansion of capital would be achieved by the sale to the public of income bonds on a 20 to 1 ratio.

Another provision of the bill would establish a National Community Development Bank (NCDB), patterned in large part on the Domestic Development Bank proposed by Senator Javits and 19 other Republican

Senators in 1967. Its purposes would be to function as a secondary financial institution and source of technical and managerial expertise for individual CDBs, to provide banking services in poverty areas where no CDB is established.

Anticipating widespread CDC activity, the designers of the community self-development concept propose to capitalize the NCCB with \$2 billion in non-voting, non-dividend paying stock purchased by the U.S. Treasury. The legislation also authorizes the sale of up to \$2 billion in voting and dividend paying stock to agents other than the federal government, including local CDBs.

3. Tax carrots

The government's role as catalyst in the community self-determination plan is defined in the tax amendments section of the bill. Since the aim of the act is to direct business profits into social service programs and to enlist the private sector in support of ghetto economic development, liberalized tax treatment is afforded individual CDCs and outside corporations entering into "turnkey" agreements with them. Under such agreements, private corporations in return for tax benefits would contract to establish plants in CDC areas, provide training for CDC management personnel, and eventually turn over ownership and management of the facility to the CDC or its members.

Under the proposed tax plan, the CDC and each of its subsidiaries would pay the flat rate of 22 percent on income under \$25,000 and 48 percent on income over \$25,000, compared with 28 and 54 percent (including surtax) paid by corporations. Dividends paid to the CDC by its subsidiaries would be tax free, while subsidiaries of profitmaking corporations pay income tax on 15 percent of the dividends paid to the parent corporation. Further, for corporations wholly owned by a CDC or an employee trust, income tax could be reduced according to a scale based on indices of poverty within the area.

Additional tax incentives are offered to outside corporations locating within the CDC area. 1) A firm would have the option of rapid amortization of turnkey plants, based on poverty indices in the area. 2) To equalize these gains, the tax benefits accruing from investment credits would normally be subject to greater taxes on the sale of the facilities. If, however, the facilities are sold to a CDC these recapture provisions would be waived. 3) In order to assure continuing investment in CDC enterprises, the usual capital gains tax imposed upon the seller of a business would be eliminated if the proceeds of the sale were reinvested in a CDC business or a CDB. 4) Like investment credits, the benefits of rapid amortization are subject to tax recapture provisions upon the sale of the facility. Under the amendments, however, these taxes would be limited to the profits of the sale that are not re-invested in CDC enterprise. 5) Turnkey contractors could claim an additional 10 percent deduction for wages of CDC members employed at the facility. This tax credit recognizes that investment in human skills should be given at least comparable tax advantage to investment in machinery, and was initially embodied in the Human Investment Act proposed by a majority of Republicans in the 90th Congress. 6) To promote sustained technical and managerial help to CDC businesses, a further tax incentive would be granted to turnkey contractors equal to 15 percent of the profits of a facility sold to a CDC and continuing for five years after the sale.

The tax treatment of turnkey contractors offers potent inducement to corporations to establish ghetto plants, train community residents in all phases of its operation, and finally transfer ownership of the company to community hands.

WILL IT WORK

The above summary of the 180-page Community Self-Development bill suggests that

the proposed legislation attempts a comprehensive, unified approach to a vast array of problems. It is designed to arrest rural migration to metropolitan areas and to curb "colonial exploitation," to use a favorite slogan of militant supporters. The bill also promises to foster employment and economic growth within poverty areas. But possibly most important is the claim that the bill provides for a new stake in American affluence and a new voice in local policy. As Noah Webster said: "Let the people have property and they will have power."

Few would object to such noble goals, but it is important to recall that no lesser claims were made for the Economic Opportunity Act and other legislation. The question is whether the multi-pronged approach of the Community Self-Development bill offers the proper medicine for the ills of the American ghetto. The broad support garnered by the proposal is impressive, but it is no guarantee of the bill's soundness. The diverse support of the Community Self-Determination bill may be a product of initial enthusiasm for an appealing idea, which has been effectively sold by its sponsors, rather than a consensus based on full understanding of the bill's provisions and implications. Remarking groups of supporters may find some parts of the bill attractive but oppose others. Indeed, the sponsors of the bill have already indicated that their proposal will undergo major changes before it will be reintroduced in the 91st Congress. To conservatives, the bill holds out the promise of proving "savings" in welfare payments, while liberal supporters see the community self-determination approach as an added weapon in the arsenal of existing welfare programs. To others, the main attraction of the bill centers about its goal of developing independent political institutions in the ghetto. It may very well happen that much of the bill's support will disappear when the proposals are fully clarified and the issues explained.

Indeed, the very foundation of the bill which promises self-determination for ghetto residents in their economic and social institutions may be questioned. Initially, at least, CDCs will have to depend for operating funds upon federal largesse. Since local contributions can be in the form of "sweat equity," it is probably that in many cases CDC members will contribute little in hard cash, if the Community Action Program's experience with in-kind contribution is any indication. There is no guarantee that Congress would be more kindly disposed toward controversial activities undertaken by CDCs than it has been toward similar community action projects. Thus, there is room to question whether the CDC approach can offer community self-determination. Doubts have also been expressed as to whether the geographic areas to be encompassed by the CDCs are viable economic or political units.

The underlying philosophy of the bill is based on a primitive application of mercantile and protectionist concepts. Some proponents claim that the root problem of the ghetto is the excess of imports over exports. The solution offered through black enterprise is that if the businesses in the dollars flowing into these businesses would remain in the ghetto, having a multiplier effect on the "Ghetto National Product." Such claims are largely rhetoric. The size of the income increment is not likely to be large, since ghetto businesses will still be marginal whether owned by blacks or whites, and the multiplier may be negligible. Also, the tax incentives offered to businesses to turn over enterprises to CDCs may be more helpful to the stockholders of the corporations than to the residents of the ghettos.

There is no guarantee, and in fact little likelihood, that once a resident of the ghetto collects enough green power he would stay

there; on the contrary, he would be likely to move out. Also, the bulk of consumer needs will be met by national, brand-name goods, since ghetto residents are just as susceptible to advertisement as anyone else and just as desirous of quality goods. Finally, the whole concept of isolating the ghetto market may actually be harmful. An isolated ghetto market must rely on its own limited resources, while an integrated market can gain all the benefits which come from trade. Thus local ownership and control of economic resources may not be entirely beneficial. If common exploitation is a major grievance of ghetto dwellers, will this situation be improved by Negro ownership? Moreover will employment problems be absorbed more by establishing local enterprise than by retraining and public works projects? Will the demands of black enterprise conflict with those of black labor?

Perhaps the most crucial assumption of the bill is that the ghettos are homogeneous. While many ghetto residents share the common ills of discrimination, it does not follow that CDCs will enjoy an advantage over existing institutions and organizations in setting up and implementing priorities. Inevitably, as in other communities, conflicts will arise among the several ghetto interest groups. Given the broad goals of CDCs, friction is bound to arise between supporters of economic development and those who would emphasize service goals. For instance, industrialization in the ghetto has already been resisted in several cases despite its economic benefits because ghetto dwellers are no more anxious than the average suburbanite to have a factory next door. It is possible that the "public interest" of an area might be less efficiently served in some cases by local decision making than by more centralized methods. The record of utopian socialism is not one to encourage excessive hope for the future of CDCs.

The presumption of the ultimate viability of ghetto business is also open to question. It seems obvious that profit opportunities in poverty areas have already been explored by outside business. An expansion of enterprise embracing black ownership might only decrease the already slim profit margin. A measure advocated by some proponents of the community self-determination plan to provide geographical monopolies to CDCs, and thus allow assured markets, was not included in the bill—possibly because it could not muster political support and because it would disrupt economic activity. Few supporters remain who favor imposition of tariff walls within the United States. If CDCs prove a success, it is likely that outside business will enter and compete.

It is difficult to imagine that profits generated by CDC business could provide sufficient funds to finance needed community services, or even result in substantial economic development. Even with tax credits it is probable that some form of continued subsidy will be necessary to sustain CDCs as responsive and powerful forces within the community.

Finally, there is the uncertain claim that the organizational, managerial, and technical skills essential to CDC success lie untapped within the ghetto. Profitable economic development ventures, it goes without saying, require a high level of technical and organizational competence. In the past it might have been argued that discrimination prevented the utilization of existing ghetto talent. No such claims can be made today with the intense competition for Negro and other minority groups' executive and administrative personnel. Additional opportunities opened by CDCs are likely to spread thin the available talent and to intensify competition for their services. Furthermore, community self-determination attempts to link together diverse functions under one decision making unit, and from a purely pragmatic point of view, it is difficult to conceive of any single

management unit skilled in the arts of banking, investment, production, and public service. The difficulties of applying corporate systems analysis to ghetto problems indicates that even skilled managements cannot solve such diverse problems.

EMPIRICAL EVIDENCE

As behooves true believers, advocates of community self-development and black entrepreneurship have not been deterred by the conceptual flaws of their proposal. They rely upon faith buttressed by successful anecdotes in making their case. Projects do exist which are analogous to the proposed CDCs, but there have been few substantive evaluations. Certainly there is not enough evidence to make a conclusive prediction about the success of the CDC approach.

Nonetheless, the popularity of the concept among diverse groups and interests is undeniable. Federal agencies, private corporations and philanthropic organizations have backed projects embodying various aspects of the community self-development approach. Even the list of federal agencies that have funded Negro community enterprises ranges from the Department of Agriculture's staff Farmers Home Administration to new Community Action Programs in the Office of Economic Opportunity. Private corporations which have underwritten ghetto enterprises or subsidiaries include IBM, Xerox, Eastman Kodak, Aerojet General and many more. Among philanthropic organizations, the Ford Foundation has taken the leadership in funding Negro entrepreneurship.

The government-funded projects have a variety of aims including job creation, promotion of economic self-dependence, civic improvement, management counseling, and training. Because most of these projects are pioneer efforts, a great deal of energy has been expended on defining the jurisdiction and legitimate activities of the enterprises. Whether similar obstacles would impede CDC activities remains to be seen. More significant, however, is emerging evidence that most of the federally-funded enterprises require continued direct grants or indirect subsidies through low interest rates. Viability and profitability are essential to the CDCs if they are to serve any purpose, and projects already funded by the government indicate that the one-shot approach of the Community Self-Determination bill is not a realistic objective.

The wide publicity accorded to the private business efforts in ghetto areas is more a reflection of successful public relations campaigns than of commitment of resources. Limited experience would indicate that while ghetto residents have shown a strong desire to exercise a voice in corporate policy, this interest has not extended to the purchase of stock when opportunities were offered. This should not be surprising: profit-sharing plans have not taken the country by storm in other areas, and there is no reason why they should be a success in ghettos. In most cases, the branch plants opened by giant corporations in ghettos act as suppliers and are guaranteed a market by the parent corporations. The relevance of this experience to a national community self-development program is therefore limited. The incentives offered under the proposed bill may be adequate to encourage corporations to locate branch plants in slum areas and may indeed be generous. Tax incentives aimed at aiding designated areas may be a double-edged sword. The aid offered to residents in one area may be detrimental to residents of contiguous or more remote areas.

The third group of existing projects includes those funded by self-help groups, occasionally with foundation assistance. The major problem of these enterprises is lack of resources. The experiments may be interesting and the experience heart-warming, but the limited funds are hardly adequate to restructure life in American slums.

EVERY LITTLE BIT HELPS

The review of the problems inherent in the community self-determination approach and its accompanying emphasis on the development of entrepreneurship is intended not to negate the idea but rather to suggest its limitations. The empirical evidence, limited as it is, indicates the obstacles the program is likely to encounter. It is clear that the proposed Community Self-Determination bill is not a magic solution to the vast problems of the ghetto, or even a substitute for old-fashioned welfare programs. Neither decentralization of decision making nor creation of black entrepreneurs is the entire requirement for ghetto improvement: while these elements are crucial ingredients of a minority group's self-esteem, the size of the resource commitment is of greater importance than whether administration is centralized or decentralized. Profits account for only one-eighth of national income, and dividends amount to only about one-third of total profits. If Negroes were to get one-tenth of all dividends, assuming that they receive none now, this redistribution of resources would amount to about 4 percent of our national income and affluent Negroes are likely to get the bulk of these additional resources. This would obviously not eradicate poverty among Negroes.

Diverse options and programs will be needed if Negroes and members of other minority groups are to get their full measure of equality. This will require not only Negro doctors, politicians and executives, but also black shopkeepers and corporate stockholders. However, ownership of a retail store is not likely to surpass a corporate executive position in social status or economic security. Economic and social equality of Negroes will therefore depend upon the providing of opportunity and the elimination of discrimination.

In the continuing attack on poverty and discrimination, black entrepreneurship and self-determination will assume an increasingly important position. This analysis suggests, however, that despite its useful ideas, the community self-determination approach should be conceived as an experimental program. The approach is sound as long as it is kept in its proper place, to pardon the expression.

COMMENDATION FOR NEWS MEDIA

Mr. MURPHY. Mr. President, I rise today to comment briefly on the press of our Nation and the system of government to which, at one and the same time, it owes its existence and grants its immeasurable strength.

My remarks are prompted by this morning's reports that a would-be assassin fired on Russian cosmonauts in Moscow.

While the Russian news media maintained a controlled, embarrassed silence about the incident, the Western press began reporting the scanty details available, and it was not until hours later that the Soviet Foreign Ministry confirmed some of the details about the matter.

Contrast this, I urge you, with the live and complete coverage given here in Washington on Monday to the outrageous behavior of the demonstrators who hurled missiles at the President's car and taunted our law-enforcement officers with obscenities and hostile actions.

I fear that there are times when some naive people in this country forget the differences which these incidents exemplify so well, and blandly lose sight of

the fact that the Soviet news network is the world's most tight-reined, insidious propaganda machine.

Mr. President, this week's incidents here in Washington and in Moscow, which I have mentioned, are a stark and timely reminder of the care we must exercise in assessing Soviet news reports distributed through media reluctant to report even such matters as plane crashes and Russian crime statistics.

It is also a powerful reminder of how blessed we are to enjoy the many benefits which flow from a free press.

While on the subject, Mr. President, I would like to mention that I have in the past been critical of some of our news media for the disproportionate amount of time and space they have devoted to some of the publicity-seeking antics of the small minority within our Nation who purposely test the limits of the right to proper dissent.

I now commend those newsmen who obviously tried so earnestly, and succeeded, in putting the dissenters' inauguration-period escapades into their proper perspective.

Widespread coverage was given to the missile throwing on Pennsylvania Avenue and the subsequent disorder along nearby streets, of course, but it was noticeable that many conscientious newsmen took great pains to point out that the demonstrators were but a small, disruptive group whose actions were reported only because they contrasted so vividly with the general pervading tone of the period.

To those newsmen who exhibited such a sense of responsibility in this matter, Mr. President, I offer my gratitude and my praise.

It is to you, ladies and gentlemen, who are insuring that the press of this Nation will, indeed, remain free.

It is you who make the American press stand out today as the symbol of journalistic responsibility and independence as we reflect on the news blackout which originally surrounded the assassination attempt on the cosmonauts.

TRIBUTE TO THE LATE H. ALEXANDER WALKER, OF HAWAII

Mr. FONG. Mr. President, it is with deep sadness that I deliver this eulogy to the later Henry Alexander Walker, a distinguished business and civic leader of Hawaii who passed away in Honolulu on January 14.

Eighty-three years of age at the time of his death last week, Mr. Walker had given a full lifetime to the growth and development of his native Hawaii.

He was among the great builders of the Hawaiian sugar industry. He contributed significantly to the high standing and international reputation which the industry enjoys today.

He also gave outstanding service in two world wars, served as a volunteer leader in community health work, and became a world-famous orchid grower.

Mr. Walker was born in Honolulu on February 19, 1885, the son of John Smith and Jane McIntyre Walker. He was the youngest in a family of 10 children.

He was educated at Punahou Academy in Honolulu and Harvard University.

During the First World War, Mr. Walker distinguished himself in Red Cross service. In 1918 he volunteered for medical service in Siberia and spent the fall and winter months in the subzero Russian weather.

He was in charge of relief trains running from Vladivostok to the interior. He also commanded a Red Cross relief ship which traveled almost 20,000 miles around the globe to return a boatload of Czech soldiers to their home.

Mr. Walker started his long business career with two short-term jobs, one as a clerk in the Bank of Hawaii, and another as a salesman for a Boston investment business.

Returning to Hawaii in 1920, he became assistant secretary of the Hawaiian Sugar Planters Association. He later was to serve four terms as president of the HSPA.

In 1928 he joined American Factors, of which he became president and general manager 6 years later. He was Amfac's president from 1933 to 1950, and its chairman of the board from 1950 to 1960, when he retired.

He also served as president of Pioneer Mill Co., Koloa Sugar Co., Lihue Plantation Co., Makee Sugar Co., and Waimea Sugar Mill Co., and was a director of Matson Navigation Co.

During World War II he was volunteer director of the office of food control in Hawaii and later was director of the material and supplies division.

Mr. Walker also took an active interest in community welfare. He served for 18 years as chairman of the board of hospitals which administered the Hansen's Disease Settlement at Kalaupapa, Molokai.

Mr. Walker's home at 2616 Pali Highway in Honolulu, near the scene of his birth, long has been an island showplace. His mother was one of the first persons in Hawaii to raise orchids. The Walker family is renowned for the beautiful and rare orchids grown in their garden.

For more than 20 years the family orchid gardens have been opened annually as a benefit project for Stratford Hall in Virginia, birthplace of Gen. Robert E. Lee, and also for the benefit of the Outdoor Circle on Oahu.

Mr. Walker was a friend of many national leaders, including Secretaries of State John Foster Dulles and Dean Rusk. When in Hawaii, these visitors often stayed at the Walker beach home in Laie Oahu.

Mr. Walker is survived by his widow, Mrs. H. A.—Una Craig—Walker; a son, H. A. Walker, Jr., president of Amfac; two daughters, Mrs. C. E. S.—Ann Bishop—Burns, and Mrs. Percy A.—Virginia—Lilly, wife of a Navy captain in Japan; 10 grandchildren, and five great-grandchildren.

Hawaii has lost a most valuable citizen who will be sorely missed by all who had the good fortune to know him over the years.

Mrs. Fong and I join the people of Hawaii in paying tribute to the late Mr. Walker and his life of service and dedication to his nation and island community.

We extend our heartfelt sympathy and sorrowful aloha to his charming and

gracious wife Una and to all the members of his family.

FOR DIRECT ELECTION OF PRESIDENT AND VICE PRESIDENT AND ABOLITION OF ARCHAIC ELECTORAL COLLEGE

Mr. YOUNG of Ohio. Mr. President, except for George Wallace's failure last November to carry several States he had counted on, the presidential election would have been thrown into the House of Representatives and the vice presidential into the Senate. This threat of a deadlock, or bargained, electoral college should never be permitted to occur again.

Congress should give top priority to election reform including choosing our President and Vice President by direct vote of the people with the constitutional amendment providing that in event no candidate receives 40 percent of the total vote there will be a runoff election.

The acute interest in electoral reform evidenced after every close election fades rapidly in the period between elections. Waning public interest has helped perpetuate for too many years the cumbersome and unreasonable system under which we Americans choose our President and Vice President. The Congress should take immediate action to bring about real electoral reform. To accomplish this by 1972, no time should be lost.

Many years ago, as Congressman-at-Large from Ohio, I urged the abolition of the electoral college system and that it be replaced by the direct election of the President and the Vice President. Many other Members of Congress have done likewise over the years. Now, it appears that there is a real possibility that this vitally needed reform may soon be implemented—that its day has come.

Senators and Representatives are elected directly by the citizens of their States or congressional districts. It is ironic, then, that the Chief Executive of the Nation, the man who holds the greatest responsibility for the lives and welfare of all our citizens, is not directly chosen by those citizens, but rather by the electoral college, an anachronism in this space age.

The electoral college was originally established to assure the election of high-caliber men to the Presidency, to give greater electoral strength to the Southern States where slaves could not vote but where each slave was counted as three-fifths of a vote, and to prevent voters from clamorously supporting candidates from their own States. As the party system has developed, none of these reasons remain valid. In his book, "Paths to the Present," historian Arthur M. Schlesinger put it:

What demoted the electoral college from a deliberative body to a puppet show was the rise of political parties. As people began taking sides on public questions, they were unwilling to leave the crucial choice of the Chief Executive to a sort of lottery. Instead, each party publicly announced its slate of electors and the candidate they would support. This usurpation of the elector's functions, though peaceably achieved, amounted to a coup d'etat. It was an amendment of the

written Constitution by the unwritten constitution. The electors, while retaining the legal status of independence, became henceforth hardly more than men in livery taking orders from their parties.

The delegates to the Constitutional Convention—the Founding Fathers—were, for the most part, definitely opposed to electing the President by direct popular vote, agreeing with George Mason, of Virginia, that—

It were as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would be to refer a trial of colors to a blind man.

The delegates to the Convention—for the most part conservative New England merchants and southern landholders—distrusted the ability of the average citizen of that day to decide questions of such gravity. Moreover, the discussions at the Convention revealed that the delegates did not believe that it was possible for a voter in one State to know anything about the ability or character of public men in the other States scattered along our 1,500-mile shoreline.

Today, when our population is almost 100-percent literate; when all Americans have the advantage of an elementary and secondary education and millions more the advantage of a higher education; when television and radio bring candidates into every living room of the Nation; when the distance from Washington, D.C., to San Francisco, Calif., can be covered in less time than it took to travel from Washington to Baltimore at the time of the Constitutional Convention, it is absurd to maintain a vestigial reminder of an era in which the people were not fully trusted to choose their President. If George Washington, James Madison, Benjamin Franklin, John Hancock, and other patriots who helped draft the Constitution of our country were alive today, they would not know this country. We live in a different world. Transportation and communication over thousands of miles is nearly instantaneous. We live in a new space age of change and challenge. The electoral college system no longer has any place in our Republic.

When the Supreme Court handed down the one-man, one-vote rule on the reapportioning of State legislatures and on congressional redistricting, the first major step was made toward modernizing our electoral system.

It is now high time for the Congress to take the next logical step and make the vote of every citizen count equally in the election of a President and Vice President.

The present electoral college system is riddled with real and potential evils. It permits the votes of the citizens of smaller States to weigh more heavily than those of citizens of our more populous States. At the same time, it permits outside power to be given to third parties and minority groups in the larger States where often very few popular votes can shift all the electoral votes of a State from one candidate to another.

Furthermore, it allows the possibility of the election of a President who did not receive a plurality of the total votes cast throughout the Nation. Three times in

our history there have actually been cases in which a President was elected who received a smaller number of votes than the number received by his closest opponent: John Quincy Adams in 1824, over Jackson; Rutherford B. Hayes in 1876, over Tilden; and Benjamin Harrison in 1888, over Cleveland. In the first case, the minority President was chosen by the House of Representatives; in the other two, by a majority vote of the electoral college.

Also, under the present system there is no guarantee in many States that the electors will cast their vote for the presidential candidate who receives a majority of the votes in a particular State.

This was vividly pointed out in the last presidential election when an elector from North Carolina pledged to cast his vote for Richard Nixon disregarded that pledge and cast his vote for George Wallace.

In establishing further electoral reform, we should provide that at least in Federal elections absentee ballots, including those of absentees in the armed services, should be counted the same time as other votes. There is no reason whatever why the results of close elections involving Federal officials should be held in abeyance, sometimes for many days, pending the counting of absentee ballots. The Congress should also relax equal time restrictions for television and radio to avoid the present situation where candidates of minor parties garnering only a few thousand votes can discourage radio and television network officials from granting adequate time to major party candidates. Americans should have full opportunity to see and to hear major candidates for high public office.

Citizens who desire to contribute to the campaign funds of either party or to individual candidates should be permitted to claim a \$100 contribution as tax exempt, the same as charitable contributions. Accomplishing this would help eliminate advantages favoring millionaire candidates for congressional and other offices. A reasonable maximum limit must be provided regarding expenditures made by a candidate and members of his family.

Also, in providing meaningful electoral reform, 18-year-olds should be given the right to vote.

In addition, further consideration should be given to providing for national party primaries to select candidates for President and Vice President. The conventions, meant to be deliberative bodies, have become circuses where the real desires of the rank and file of each political party are frequently ignored. Woodrow Wilson said 55 years ago:

There ought never to be another presidential nominating convention . . . the nominations should be made directly by the people at the polls.

Mr. President, every citizen should have an equal voice in the selection of the President. The only way to assure this is by direct election of the President and Vice President. Public sentiment for this is growing. As the American Bar Association's commission on electoral college reform concluded:

The electoral college method of electing a President of the United States is archaic, undemocratic, complex, ambiguous, indirect and dangerous. . . . While there may be no perfect method of electing a President, we believe that direct nationwide popular vote is the best of all possible methods.

Mr. President, I am happy to be a cosponsor of the Senate joint resolution introduced by the distinguished junior Senator from Indiana (Mr. BAYH) to amend the Constitution to provide for the direct election of the President and Vice President. The time is long past due for this essential reform, and I am hopeful that this proposed Constitutional Amendment will be approved by the Congress early in this session, so that it may be ratified by the States before the next presidential election.

COMMITTEE MEETING DURING SENATE SESSION

Mr. JACKSON. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Rights of the Committee on the Judiciary be authorized to meet during the session of the Senate today. This has been cleared on both sides of the aisle.

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

TOO MANY GENERALS AND ADMIRALS IN THE PENTAGON

Mr. YOUNG of Ohio. Mr. President, there are a total of 1,346 generals and admirals in our Armed Forces—442 generals in the Air Force, 521 in the Army, 76 in the Marine Corps, and 307 admirals in our Navy. Of this tremendous total, 263 have individual offices and staffs in the Pentagon, and 215 more have the same arduous service elsewhere in the Washington area. A grand total of 478, or approximately 40 percent of all the generals and admirals of our far-flung armed services, are enjoying armchair service and golf in Washington or in neighboring Virginia close by the Army-Navy Country Club.

This is just another manifestation of the fact that our Military Establishment has become overloaded with top brass and the staffs and clerks, analysts, chauffeurs, and all the other accoutrements that accrue to generals and admirals.

Recently I received a very thoughtful letter from a leading attorney in central Ohio, a friend of mine who is a member of that Grand Old Party of which I am not a member. This outstanding lawyer served in the Navy during the Korean war and was stationed for a time in Washington, D.C. He wrote me as follows:

When I was stationed in Washington, D.C., it always amused me to see Cadillacs drive up with Army Colonels and usually they were Colonels with satchels attached to their wrists going into the Internal Revenue Office or some other office across the street from my office in Washington, D.C. And many of us used to comment that there would be eight or ten Cadillacs, one right after another, all with Army Colonels with brief cases chained to their wrists and our comment was why so many from the same location, wouldn't it be possible for one to

handle all the courier services, as far as the messages were concerned.

Mr. President, it appears that the same situation holds true today. In fact, on many days I know personally that 12 or more shiny limousines leave the Pentagon, in the mornings, one immediately following the other, each with one colonel with one briefcase seated majestically behind the driver. This always looks silly, and it involves an unnecessary waste of public money. A halt must be made to the continuing growth of the immense bureaucracy in the Defense Department. The Military Establishment must return to the basic concept of fighting instead of the present situation in South Vietnam with 450,000 soldiers engulfed in paperwork, drafting diagrams, writing messages, running errands for officers and performing various and diverse other noncombat activities, leaving fewer than 85,000 GIs and officers engaged in combat activities.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

DEPARTMENT OF DEFENSE

The VICE PRESIDENT. Under the preceding order, the Senate will resume the consideration of executive business, to consider the nomination of David Packard, of California, to be Deputy Secretary of Defense.

The Chair recognizes the Senator from Mississippi.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The VICE PRESIDENT. The nomination will be stated.

The legislative clerk read the nomination of David Packard, of California, to be Deputy Secretary of Defense.

Mr. STENNIS. I thank the Chair.

Mr. President, the Committee on Armed Services went fully into the question of the nomination of Mr. David Packard for Deputy Secretary of Defense. The office itself is not an ordinary office; it has extraordinary duties, far-reaching powers, and a great multitude of decisions that come before it every year. I say that with emphasis, because I think that even though the office is that of Deputy Secretary of Defense, more matters pass through the Department of Defense itself than pass through a great many other departments, and a great deal of the work is handled by the Deputy Secretary of Defense.

The Committee on Armed Services, in a complete and exhaustive hearing, went very carefully over the major phases of the question of conflict of interest or the possibility of conflict of interest. We had an almost full attendance of the committee, and the two members who were necessarily out of town, later attended an executive meeting of the committee that lasted some 2 hours, most of the time on this nomination, the time being consumed by allowing every member to give full expression to the points involved and his version as to the conclusions.

At the end of that time, when nothing further was to be said, the nomination was approved by the Committee on Armed Services by a unanimous vote. I think that is significant, because these were an involved set of facts. We felt that we had all the facts, and at the end of our consideration there was a ready conclusion.

I do not think there was any reluctance on the part of any Senator. Members of the committee who said at first that they felt quite skeptical—and I was partly skeptical myself—in the end were entirely willing to approve the nomination, considering all the circumstances. I say that with emphasis.

I did not know the man personally or in connection with the position to which he was nominated, but I was highly impressed by Mr. Packard. I was impressed, indeed, with his readiness to disclose and frankly discuss everything. His attitude was one of humility, which does not always come from the chemicals of material success. We who listened to him were well impressed by him. He was not the type who was trying to impress us, either. Some men, it can readily be seen, are trying to impress their listeners.

Mr. President, may we have order at the desk? I think that when one is trying to present a matter to the Senate, he is entitled to do so without having someone talk so loud that his voice can readily be heard.

The VICE PRESIDENT. The Senate will be in order.

Mr. STENNIS. I was impressed, too, by the fact that this gentleman, with his partner, built his own business. It was not a case in which a man having some type of management skill was brought in and elected by a board of directors. Mr. Packard and his partner started with about \$500 in capital. They were engaged in a new enterprise that was based partly on radar. Many of us remember the tremendous growth of radar. The product of Mr. Packard's firm is testing instruments. They developed their products across the board in the early days of electronics, and its growth proved to be rapid. The business is competitive, and the company is bound to have extraordinary skill in management. Mr. Packard told me—and I think the record shows this—that the company largely plowed back its profits for a long time. The business is a creation of these men themselves.

I have already described Mr. Packard's attitude before the committee. I am not here to praise anyone, but it is a fact that he conducted himself with humility.

We received testimony from men who have known him, men he did not bring

here to testify, and they gave him the highest kind of recommendation. If I may call one of them by name, he is the distinguished Senator from California (Mr. CRANSTON), who has just entered the Senate for the first time. He has known Mr. Packard for many years.

That was a part of the influence. Some things have to be accepted on faith, and these testimonials were a part of the influences that built up that wall of faith in my mind.

I note that the competitors did not directly or indirectly bring in any information or send any protest to the committee.

With that as a background, the Committee on Armed Services wrestled with this matter as it has many times in the past. There is not an adequate statute on the subject, Mr. President. It is quite a challenge to Congress to try to draw one. The committee has had a general rule on it, and I desire to mention some other cases, to start with, and to make a distinction.

Sixteen years ago this month, the nomination of Mr. Wilson—I do not make any unfavorable comparison at all—was before the same committee. He was the president of General Motors Corp. Nothing was said about a trust in that case. Nothing was offered to the committee. But we found that General Motors was No. 1 on the list of 100 prime contractors for the preceding 24 months and had more than \$5.5 billion worth of contracts over a 2-year period with the Department of Defense. The Korean war was still in progress. So, having, no alternative, we asked Mr. Wilson to sell his stock, and he did so.

Later—8 years ago—Mr. McNamara came before the committee, and he had stock of the Ford Motor Co. The trust idea had crept in, and he offered a proposed trust, quite different from this one, but it was not accepted, and Mr. McNamara sold his stock.

Now we have the pending nomination. Mr. Packard owns stock in the Hewlett-Packard Corp., which has a present market value of approximately \$300 million, perhaps a little less. He is disposing of all the other stock he owns in companies doing business with the Department of Defense. It is not a great amount compared with the Hewlett-Packard stock, although it is a large amount, in my mind—approximately \$2 million.

The committee, with the exception of the trust feature, is adhering to the general rule it has, that anyone coming in who has holdings in any company that has contracts totaling \$10,000 or more with the Defense Department, excluding regulated public utilities, will have to dispose of those holdings. That is still the rule of the committee, and it is being followed in this instance.

So that brought the matter up to the question of whether or not this gentleman should be told, "If you sell your stock, we will not consider it any further." Now, why should he not sell his stock? His and his wife's stock together is about 30 percent of all the stock in this company. The undisputed testimony shows that the sale of that much stock

would break the market, so to speak, and very adversely affect the value of the stock in innocent hands; that it could not be done without injuring innocent people, perhaps very substantially; and that it could adversely affect the company. So it was a matter of either going into the trust feature or saying to him, "We will not consider you any further," which would mean that all others in his category would be declared ineligible for a position such as this.

The man apparently has the very talent that we would like to see in that position, as would the President and Mr. Laird. If we make the declaration I have mentioned, not only would it disqualify him, but also, it would disqualify a great class as being ineligible on its face. So the matter was worth further consideration, to see if anything could be done.

If any Senator wishes to reject the idea of a trust altogether, he should vote against confirmation.

We went into the concept of a trust, and we have one that we think is sufficient. The trust is of this nature: He would sign an instrument that would provide that he would put this stock in trust; all the income from it would go to certain designated beneficiaries during the life of the trust, which must continue for 2 years and would continue beyond that time until he is no longer in the office he is holding. Furthermore, the instrument would provide that all of the increased value of the corpus of the stock would also go to charitable beneficiaries. That approach is well known in the business world and by the Internal Revenue Service and among the charitable and educational institutions of the country.

We have a listing of them in our files, that is, the percentage that each is to draw as to the income, but we did not put the percentages into the public record. That information is in the copy of the hearings which is on the desk of each Senator—a listing of the trust beneficiaries. The trustees of that trust would be selected separate and apart from the company or anyone affiliated with Mr. Packard. It was finally agreed that the Bank of America would be the trustee. Mr. Packard has no connection with that institution and never has had.

Another question that arose was the method of determining the amount of the increase in the value of the stock from the time he went into office to the time he left office. We were given then a simple formula which I think everyone readily understands, including the average person on the street. We start off with the average of the price on the New York Stock Exchange for the 5 days preceding the beginning of the trust, and we wind up with the average price for the 5 days immediately after the trust is terminated. If the value is greater at the end than at the beginning, an amount of that stock equal to the increase will be given to the charitable charities. The remainder of it will be returned to Mr. Packard and his wife. If it is lower than it was at the beginning, he gets back all the shares of stock, but at the lesser value.

We considered the feature that if the stock got into trouble and was about

to lose value, it might be a temptation to Mr. Packard to do something to bolster it, to do something as Deputy Secretary of Defense to bolster the value of that stock—the volume of business perhaps would bolster the value—and thereby keep it from being less valuable when he got it back than when he turned it over.

We decided clearly, all of us, that even though that was a possibility, it was very, very remote that such a thing would happen in this gentleman's case. If a Senator wishes to reject totally the man, he should vote against him on that one point alone. This involves some faith in the man. I know that all the members of the committee who voted on this matter understood that. I do not know of any vote that was cast on the ground that the President has nominated this man and the President is entitled to have whom he chooses. I do not believe that was the spirit of our committee at all. We will be on the spot with regard to this matter.

We have to live with it, at least more closely than any other Members of the Senate. We expect to follow it up. I think that in most cases, if we are going to get talent capable of representing the Government at the counsel table in contests with some of the finest and best talent in all of this Nation, we are going to have to reach over and get someone who knows the subject matter and knows what he is doing. Otherwise, he will be a figment, regardless of how good his counsel may be. I have felt that way for many years. Year after year of service on the committee has made me broaden my views, in this troublesome matter that we must pass on over and over again without any statutory guidelines and with no firm law.

Each case has to stand on its own bottom, and that is what this matter had to stand on.

A part of the test is the character of the man and the circumstances surrounding the matter. It does not stand on one fact; it stands on all of the facts. That is the spirit in which the matter is approved and that is the spirit in which it is presented to the Senate.

Therefore, in order to reach out and save that business or that stock from going down, he had to contradict everything that has been learned about him in these hearings which extend over a lifelong active career. His life has not been limited to business, but he has an interest in people. I think his record shows that. So all that he built up in the way of a good name he would have to abandon and liquidate and throw overboard as the price of holding office. That is what I believe.

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

Mr. STENNIS. I am glad to yield to the Senator from New Hampshire, who made a real contribution in the discussion of this matter in committee.

Mr. MCINTYRE. I was interested in the statements of our distinguished chairman, particularly as they concern the trust agreement which was brought out in the hearings, in which it was stated he could insulate himself with this agreement from the prices of the

stocks going up. As the Senator said, he could not insulate the prices from going down. I would like to read from page 65 of the hearings where Mr. Packard's answer to my question appears.

Mr. STENNIS. I am glad to yield to the Senator for that purpose.

Mr. MCINTYRE. The question asked was:

Can you comment on this dilemma that you can insulate yourself from the price going up, and you cannot insulate yourself from that price going down?

Mr. PACKARD. Senator McIntyre, that perhaps does pose a hypothetical problem, and of course I think it is necessary to think about these things, because indeed it could go down as well as go up.

I can say to you I think quite honestly and quite sincerely, that I would be much more interested in getting the same number of shares back as I put in, and I wouldn't care what they were worth. I do not see that I would have any interest in the monetary value, if I simply got all the shares back, so I do not think I have really any concern on that matter.

Mr. STENNIS. I thank the Senator. That is a contribution to the debate and the Senator from New Hampshire made effective contributions in committee as well.

Mr. President, I have two other points; then I shall yield the floor.

First, I wish to illustrate that we must have someone who knows what he is doing. The other day a contract was let involving a new plane for the Navy. The contract finally went to Grumman, whoever that is. They are in New York. The contract could eventually total \$5 billion. It may not go that high, or it may go higher. We do not know yet how many of those planes we will buy or how they will run. Therefore, we have to have someone who is not an amateur.

There is another aspect about that matter. This company does not create special products for the Department of Defense. This company does not build planes or ships. They are in the general business of making testing instruments. They sold a good deal of goods to the Department of Defense last year. They sold \$34 million worth of goods out of total worldwide sales of \$280 million.

They sell also to prime contractors on a competitive basis. Grumman would be one of these prime contractors to which I refer. Those companies compete and they all have to buy testing machines. I was amazed at the number of machines they have to have. But so far as direct contracts with the Government are concerned, many of those are out in the field, and the company deals with the contracting officer out there and he never comes to the Pentagon.

Many times they deal with "off the shelf products." Sometimes they get into a larger contract and they sell to the Army, Navy, or Air Force, for instance, a great quantity of goods at a lesser price, but it is delivered in 30 to 60 days, almost off the shelf, and that happens sometimes even in the case of large orders.

We found, so far as qualifying as big contractors for the Department of Defense is concerned, that it really did not work out that way.

Mr. President, I submit this nomina-

tion on behalf of the committee with the unanimous vote behind it of every member. Not only of those Senators who are present; but every member passed on it and gave an active proxy, and most of them were there when we voted.

Mrs. SMITH. Mr. President, I received a letter today from a man in Michigan taking issue with the statement that I made at the hearing on the Packard nomination—the statement that I assumed Mr. Packard was an honest man. The writer said that Mr. Packard must be dishonest because of the wealth that he had accumulated—that he could have accumulated it only through dishonesty and manipulation.

Mr. President, have we come to the point where wealth or poverty is the determinant of the honesty or integrity of a person? I do not think so and I certainly cannot accept such a concept.

The Packard nomination, in my opinion, illustrates the lack of realism in the conflict-of-interest law and the almost impossible application of that law.

I do assume that Mr. Packard is an honest man. Certainly no evidence to the contrary was presented to the committee.

I do not think that his holdings will make him a dishonest Deputy Secretary of Defense any more than his proposal on the handling of his holdings will make him any more honest.

I shall vote for his confirmation and hope the Senate will approve his nomination.

Mr. GORE. Mr. President, confirmation of Mr. Packard, who holds a substantial interest in a corporation which, according to the distinguished chairman of the committee, had direct contracts last year totaling \$34 million with the very agency to which Mr. Packard has been nominated as Deputy Secretary, constitutes a conflict of interest as plain as the nose on your face.

This is not to question the honesty and integrity of Mr. Packard. That is not the question. It is not to allege or even to suspect wrongdoing. That is not the case.

In dealing with the question of conflict of interest, in considering the nomination of an appointee to a high Government position, we are not dealing with wrongdoing. We are dealing with public confidence. We are dealing with appearances. We are dealing with circumstances which, conceivably, could constitute a conflict on the part of the official between his personal interest and the public interest on the one hand, or circumstances which, on the other, would give rise to suspicion and loss of confidence on the part of the people.

Now, my dear friend and neighbor, the distinguished and able junior Senator from Mississippi, presented his case in an eloquent manner, but in a manner which dramatizes the issue. He said that he was favorably impressed by Mr. Packard, and that the heart of the case is faith in the man.

Mr. President, to the senior Senator from Tennessee, that is not the case and should not be the case. This morning, before the Finance Committee, there came two nominees for sub-Cabinet po-

sitions; namely, Dr. Charls Walker and Mr. Paul A. Volcker, nominated by President Nixon to be Under Secretaries of the Treasury.

Both men came before the committee and presented their financial statements. Both pledged to dispose of the small holdings they had which might present a conflict of interest. One nominee had a few thousand dollars, and I think the other nominee might have had property amounting to a few hundred dollars which might have constituted a conflict of interest.

Well, Mr. President, we did not lack any confidence in these men. But shall we adopt the standard here that a nominee who has contracts in the amount of \$10,000 must absolve himself of possible conflict, but a man with such an impressive fortune as to have control over a corporation with \$34 million worth of contracts with the agency in which he is to be second in rank does not have to have the rule applied to him?

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

Mr. GORE. In just a moment, I should like to develop my point first.

Mr. President, my train of thought has been temporarily interrupted, but I come back to fundamentals. I have never been much given to Bible quotations on the political platform, but two come to mind now.

In the Sermon on the Mount, Christ said, "No man can serve two masters."

I remind my able friend from Mississippi that in another passage in the Bible, we are admonished to "Abstain from all appearance of evil."

Mr. President, shall we have a precedent which applies only to businessmen? I wrote down some of the praiseworthy remarks the distinguished chairman made about Mr. Packard, and I could endorse all of them so far as my knowledge of Mr. Packard goes, but I could have said the same thing about Mr. McNamara.

Someone estimated in my hearing yesterday that if Mr. McNamara had not been required to meet the precedents of the Senate with respect to conflict of interest, each of his children today would be worth \$1 million more.

I ask you, Mr. President, is this a government of men or a government of laws? Do we have principles, do we have precedents, or do we not?

The notion that every tub must stand on its own bottom means, if it means anything, that we are abandoning precedent. No longer will there be a precedent with which all appointees to high positions in the Department of Defense must comply. Every tub must stand on its own bottom. There are no precedents. If this confirmation goes through, we will have abandoned the principle of requiring men nominated to high positions to meet the conflict of interest safeguards which the Senate has traditionally required.

The able Senator from Mississippi pointed to the paucity of statutory law in this field. He is correct. There are but few statutory guide posts. Our whole society is built, in large part, upon precedent, practice, and a moral code of ethics. Our moral indices come in rich part from the Judeo-Christian ethics,

from the Greeks, from the Romans, and from the common law of Great Britain.

Plato, in constructing his republic, would have provided that the philosopher-kings divest themselves of all private economic interests. But in order that they could show their qualifications to lead the people, he would have required them to operate in the marketplace to demonstrate their capacity. But once they became philosopher-kings Plato would have had them divest themselves of all their economic interests.

So you see, Mr. President, the principle with which we deal here is not new with us. Indeed, our Founding Fathers wrestled with this problem; and I believe it was in the very first Congress that convened under the Constitution that Congress enacted a law that the Secretary of the Treasury could not own Government bonds. So, since the beginning of our Republic through today, we have been dealing with this problem of a conflict of interest, or a possible conflict of interest, between the personal interests of a public official on the one hand and the public interest, on the other, subject to the action of that public official.

I do not know why it should be repeated that Mr. Packard's integrity and honesty are not questioned. It should not be necessary. Neither should it be necessary to say that this issue does not relate to the size of Mr. Packard's holdings, whether they be \$300 million, \$30 million, \$3 million, or \$30,000. Other nominees have complied with the precedents. The Senate is asked here to make an exception, to abandon the precedent in favor of this confirmation.

What would be the consequences? I do not suspect any dishonesty would flow, but I would expect the public confidence in the Defense Department to be shaken. Oh, Mr. President, every Member of this body is concerned with the alienation of the young, with their doubts of the efficacy of our system, suspicions and lack of trust in Government. I am sorry that there is this sharp alienation and disenchantment. Action such as proposed here will fan that distrust.

To the man in the street there might be an interpretation of this set of circumstances somewhat different from that given by Members of this body. Someone said to me yesterday, in the vernacular of the common man, "Do the best you can," he said. "Do not let this man trade with himself with our money." Well, this has a connotation which I do not endorse, but it illustrates the shock to public confidence by the appointment of men and confirmation of men to high executive positions with a conflict of interest as plain as the nose on one's face. Here we have a prima facie case inherent in the circumstances.

Mr. President, I would not know how to cite a segment of American industry or business which is so sensitively attuned to the programs of armament and disarmament, with complicated, sophisticated weapons systems, as the electronics industry. Is there anyone in the Chamber who can name an industry whose fortunes, whose profits and losses, whose future, whose value are so keenly tied to the multi-billion-dollar defense program as the electronics industry? I

do not know of any. No one has been able to cite me one.

How can this man, as honorable and fine and able as he is, make a decision, if any, make a contribution to a decision or the adoption of a policy, if any, without its having a vital effect upon the prosperity, upon the fortune, upon the value of stock in electronics corporations? His is one of the largest, and his holdings one of the largest in one of the largest.

Let me add that this is not to say he would give preference to his own interests; but one must shun the appearance of evil; and public officials, like Caesar's wife, must be above suspicion if confidence in government and the honesty of government are to be sustained. And without public confidence in government, our system of popular government is not feasible.

There are three material factors that would be in the sharpest of conflict of interest. One would be the appreciation in the value of stock as a result of actions, decisions, contracts, timing of contracts. Another would be the loss of value or the maintenance of value. The third would be the time element.

Now suppose that Mr. Packard, after confirmation, considers and makes a decision, or contributes to a decision, on the question of deployment of antiballistic missiles. Surely, a subject so important as this would require the attention of so able a man as the Deputy Secretary. Can anyone say that this would not have a very great effect upon the value of electronics stock?

When would the economic effect be felt? Within the term of the proposed trust, or might it be 5 years from now, or 10 years from now?

This seems to me to illustrate a prima facie conflict of interest. The Senate must not permit it. It must not establish or permit to be established such a precedent. If we do so, we can never again require a big man to meet the test. I think it is just that serious.

I had not intended to discuss the terms of the trust, but since the very able and distinguished chairman of the committee referred to the terms of the trust, I think I must briefly allude to it.

This is not a complicated trust. Indeed, it is so simple that the same purpose might be accomplished by a letter addressed to his bookkeeper or his treasurer. Much has been said recently about the value of a blind trust, the kind of trust that insulates the settlor from knowing the contents of his portfolio, the value of his portfolio, or the action of his trustee with respect to the portfolio.

No such attributes are contained in this instrument of trust. Indeed, the trustee is forbidden to buy or sell. The settlor knows what he puts in the trust. He knows how many shares of stock there are. The trustee is forbidden to sell any. He does not have to be informed by the trustee of the value of his stock; it is quoted and sold on the New York Stock Exchange every day, and he can read it in the morning paper and the afternoon paper.

How does this insulate the official from the knowledge of his interest? How does

this place upon the trustee any action contrary to the will of the settlor? The answer is negative.

It is true that the trustee is directed—and, so far as I can find from the trust as printed in the record of the hearings, this is the sole ministerial direction that affects values or the size of the portfolio—to transfer to some agency, some organization, either in existence or to be created and later to be designated, a sufficient amount of stock to equal the appreciation in value, if any, of the corpus of the trust during the term of the trust.

Mr. President, this does not remove the conflict of interest. This is a generous offer, to have the earnings of the trust during the term of the trust go to charitable organizations, and any appreciation in value transferred to some unknown foundation or organization. But what of the other factors? What of the economic impact on the value of electronics stocks 5, 10, 15, or 20 years from now, if the Department of Defense, the President, and Congress decide upon the recommendation of the Department of Defense to launch upon a multibillion-dollar deployment of antiballistic missiles? And what of the conflict of interest involved in the possible loss of value of the stock in case a decision is made to reduce the level of weaponry, and not to deploy ballistic missiles, but to decide upon a program of disarmament?

I shall not go further into the trust. It is a simple trust, a so-called bookkeeping trust, that does not remove the conflict of interest in any way whatsoever. So we come back to the question posed by the able senior Senator from Mississippi: whether Mr. Packard shall be confirmed because he made a favorable impression upon the committee, because he is a man in whom we can place faith. That, the able Senator said, is the heart of the question. I do not accept that view. I would not think that is the test. The test is whether or not, by this confirmation, we create and approve a conflict of interest which is clear on its face, when we confirm as Deputy Secretary of the Department of Defense a man who has substantial holdings in a corporation with \$34 million in contracts with the Department. The conflict of interest is immediately real, and promises to obtain throughout this man's tenure of office. It is a serious question before the Senate.

I close by saying that we have not found a satisfactory answer to this problem throughout the history of our Republic, and the problem has been with us throughout our history. Congress should address itself to legislation in this field, with respect to members of the legislative branch as well as of the executive branch. But the fact that we have not found an answer, the fact that we have found no satisfactory solution to this problem, should not mean that we abandon the only precedents of value that we have built up. I think we should require all members of the Cabinet and members of the sub-Cabinet, regardless of the size of their holdings, to meet the safeguards against conflict of interest. The public interest requires it, public confidence being so essential to the efficacy of our system of popular government.

Mr. DOMINICK. Mr. President, I shall take only a brief moment. I had the opportunity to listen to the Senator from Tennessee the other day when he spoke on this problem, and I have listened to him today. I have also read the transcripts of all the hearings, although I was unable to participate in the first ones; and I have the great pleasure of being able to say that the distinguished nominee was born and educated in Colorado before he moved to California.

Furthermore, two of his company's plants are in my State. I happen to know Mr. Hewlett, of Hewlett-Packard, rather well. I do not know Mr. Packard as well. I have had the opportunity of going through the Hewlett-Packard plants in Colorado. They are more or less the same as the plants in other areas of the country.

What I think has been totally overlooked in the process of this debate, particularly by the Senator from Tennessee, is that it is not a unique system which this company is making specifically for the Department of Defense. They are off-the-shelf items that are used for manufacturing purposes in many commercial operations as well as by the Department of Defense. In many instances, they are sold as a part of their operating material to contractors who have bid on defense contracts. They are sometimes sold directly to the Department of Defense as a part of its ability to check on the operations of its contractors and to determine whether its own defense work is going properly.

We could, of course, insist that Mr. Packard sell all of his stock. If we did so insist, we would not get Mr. Packard to serve, because, as he has testified in the hearings, that would have an extremely adverse effect on many persons who, in complete innocence and in total good faith, have bought shares of this company.

I think, frankly, that Mr. Packard has gone one step beyond any possible charge of trying to advantage the company or himself through financial holdings. He has gone to the extent not only of showing that he has insulated himself from any income while his trust is in existence, but he has also said that he will take a loss, but not an increase in principal, and that any increase in trust value will be distributed to charitable beneficiaries when the trust is terminated. So the very best thing that could happen to him would be that the value of the stock would hold even. Nobody knows whether that will happen without his management ability as a part of the company. Nobody knows now or can forecast what the future of the electronics industry may be. However, this is a very fine company, so we can hope for its success. But if there is any gamble, it is a gamble that the stock will go down, and Mr. Packard is willing to assume that risk all by himself. So the monetary deal has been insulated.

I listened with great interest to the Senator from Tennessee, and I think he has touched on some points which should be of concern to all of us. As to the question of what is a conflict of interest, there are some Members of the Senate—and I

am sure there are members of the executive department—who still own farms on which they grow agricultural products. When Senators vote on an agricultural matter, is that a conflict of interest? If they have sold all their holdings and vote on the question, they still have the same background which they had on the subject. Are they therefore disqualified from voting on a particular measure? We could go on and on.

I am a lawyer, or used to be a lawyer. I have not practiced a bit of law—and I am not a member of any firm—since I came to Congress. But I am a lawyer. When a legal matter comes up, a matter in which I have had some past experience, whatever it may be—and I am not talking about a client now—am I disqualified from voting because of a peculiar knowledge that I may have on the particular subject?

We can say the same of almost any field of endeavor.

A short slogan, which we all have heard—I suppose I should not be promoting a product—is: "You can take Salem out of the country, but you can't take the country out of Salem," or whatever the words are. That is exactly what I am talking about in terms of the total concept of conflict of interest.

We cannot talk about conflict of interest solely in terms of money or solely in terms of fixed holdings. Yet that seems to be, almost automatically, the point that everyone brings up.

In this particular instance, Mr. Packard has developed his own company. He has built up his own company. If he were required to sell \$300 million of stock, and did so, and then were nominated and cleared himself completely, he would still feel friendly toward the Hewlett-Packard Co., even without having any financial interest. That would be bound to happen. That would not mean that he was dishonest. It would not mean that he was doing anything wrong. It would simply mean that these feelings had grown up, had built up, and were naturally a part of one's background and experience. Such experience and background are helpful in doing a job well. I should say they are factors that ought to be considered on the plus side, not on the negative side.

So I take great pleasure in saying that, so far as I am concerned, Mr. Packard has demonstrated enormous administrative ability, good business judgment, and total and complete insulation from any monetary benefit that he could gain from the company which he developed, while he is conducting the tremendous job of Deputy Secretary of Defense, and that he is in all respects a person whom we need in our governmental system, a person who I personally believe will be a tower of strength in the development of policies and programs and in the administration of the Department of Defense.

Mr. BYRD of Virginia. Mr. President, this is a nomination on which I have found it difficult to make a decision. When the name of Mr. Packard was announced a month or so ago, I was pretty well convinced that I could not vote for his confirmation. The distinguished and able Senator from Tennessee (Mr. GORE)

put into words far more eloquently than could I, the problems that this nomination raises. I take seriously the conflict of interest laws. I think it is important that we follow, as much as we can, the precedents and procedures.

I read the testimony of the hearings when Mr. Wilson was nominated to be Secretary of Defense in 1953. I read the record of the committee proceedings when Mr. McNamara was nominated to be Secretary of Defense in 1961. Those two cases are not identical with what we are discussing today.

When the committee met last week to consider the nomination of Mr. Packard, only three of us, as I recall, expressed concern in regard to it. At that time, I had not concluded just how I would cast my vote. So I think there is a great deal to be said in behalf of the argument which has just been made by the Senator from Tennessee.

But in considering the entire picture, in considering the problem which the Senate faces, in considering the problems which a Chief Executive faces in attempting to bring into Government men of ability, men of experience, and men who can effectively and ably handle the vast amount of public moneys that Congress appropriates, it seems to me that not only must we seek to safeguard the public interest by avoiding conflicts of interest on the part of administrators, but also we must be reasonable in not placing impossible barriers to bringing into Government service men who have the capacity, the experience, and the ability to ably administer the affairs of Government.

The distinguished Senator from Mississippi was greatly impressed with Mr. Packard, as was I. Obviously, Mr. Packard is a man of great ability. If I am able to judge individuals, he obviously is a man of the highest integrity. But that in itself, as the distinguished Senator from Tennessee has pointed out, does not necessarily resolve the conflict-of-interest problem. Mr. Packard has, I believe, to every reasonable degree, solved that problem himself. He apparently is a very frank individual.

I recall the news accounts the day after he was nominated, and I assume he was quoted accurately. The news reports quoted him as saying:

I have an almost impossible conflict of interest.

But Mr. Packard then set out to resolve that conflict of interest. And how did he do it? He took the total amount of his Hewlett-Packard stock, valued at approximately \$300 million, and put it into a trust. From that trust he will receive not one penny of income during the entire time he serves as Deputy Secretary of Defense. Furthermore, if that stock should appreciate in value during the period of time he serves as Deputy Secretary of Defense, all the appreciated value of that stock will be distributed to a number of charitable institutions.

So Mr. Packard has sought to resolve this conflict of interest problem by saying that the roughly \$700,000 that he would be entitled to each year as dividends from that stock will go not to him, while he is Deputy Secretary of

Defense, but will be distributed to charitable and educational organizations. He said, further, that should the value of that stock appreciate, that, too, will go to charitable and educational organizations. So it seems to me that he has taken every reasonable precaution to prevent any public charge that he can in any way gain from his position as Deputy Secretary of Defense.

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

Mr. BYRD of Virginia. I should like to complete one sentence.

As for public confidence, it seems to me that if people are reasonable, they will not hold open to contempt a man who has put himself in the position of sacrificing all his income from this stock and all possible gain from an increase in its value by giving that increase in value to charity; he cannot gain, that there is no way he can gain, from his position as Deputy Secretary of Defense.

I have heard some persons question why a person would give up an income of \$700,000 a year to accept a public position at about \$40,000.

Some are cynical enough to feel there must be a hidden motive.

Well, having been in public life for many years, sometimes I am a bit cynical, too.

But I am convinced that there are a great many persons in our wonderful country who want to make a contribution to their fellow citizens without any desire for reward—other than the satisfaction of doing a good job.

I think Mr. Packard is such a man—and Mrs. Packard such a woman, because she, too, is making a great financial sacrifice by her husband accepting public service.

I now yield to the Senator from Tennessee.

Mr. GORE. If the circumstance with respect to the stock in the Hewlett-Packard Corp., is sufficient to meet the conflict-of-interest problem with respect to so good a man as Mr. Packard, why did the committee feel it desirable or necessary that the same good man dispose of some \$2 or \$3 million of holdings in other corporations?

Mr. BYRD of Virginia. I believe the committee properly required that the other stocks that he owned, totaling \$2,100,000, in other companies which have business with the Defense Department, should be disposed of.

I cannot speak for the committee; I do not pretend to speak for the committee. I speak only for myself. But, as a member of the committee, I would very much prefer that Mr. Packard dispose of the Hewlett-Packard stock. Obviously, that cannot be done. There is no way in which he can dispose of \$300 million of Hewlett-Packard stock without very severely handicapping a great number of innocent individuals, many of whom are employees of his company, who have bought stock as workmen in that company. Of course, the stock is listed on the stock exchange, and there are many public owners scattered throughout the Nation.

The Senator from Tennessee does have a point, and that is what has concerned me about this matter and has made it

very difficult for me to make up my mind. The Senator has a point in that neither the committee nor the Senate, if it acts affirmatively on the nomination, will be adhering strictly to what has been done in the past. I might say this, however, and I am taking this from memory. I observe the committee counsel on the floor; and if I am in error about this, I hope he will correct me. As I recall, at the time that Mr. McNamara's nomination was presented for confirmation, a law was on the statute books, which subsequently was repealed, which made that case somewhat different from the case with which we are faced today.

Be that as it may, we must make a decision, it seems to me, as to whether we are going to adhere strictly to precedent, and I would prefer that we do so. But if we do that, we will eliminate from Government service an individual whom the President and the new Secretary of Defense feel can make a great contribution as Deputy Secretary of Defense.

So in considering all the factors involved in this case, I have concluded that I shall give the benefit of the doubt to the President, to the Secretary of Defense, and to Mr. Packard. I will not permit this, so far as my one vote is concerned, to be a precedent for other cases that might come before the Senate, but I expect to vote affirmatively for confirmation of the nomination of Mr. Packard.

Mr. PERCY. Mr. President, I first wish to commend the Senator from Virginia for the careful thought he obviously has given to this matter and for the thoughtful judgment he has rendered on this subject. I know it will be instructive to the Senate.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. PERCY. I yield.
Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.
Mr. STENNIS. I thank the Senator for yielding.

Mr. PERCY. Mr. President, I also wish to commend my distinguished colleague, the Senator from Tennessee, for the very great public service that he has performed during the course of the hearings and here on the floor during these confirmation proceedings. He has fought for and protected the public interest. He has made all of us keenly aware of the complexity of these problems. I think he has improved, for a long time to come, the procedures that we will be following the questions that will be put to potential public servants, and the judgments we will make in future such proceedings.

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

Mr. PERCY. I yield.
Mr. GORE. Mr. President, I am grateful to my able and distinguished colleague. I also thank the distinguished Senator from Virginia for his generous references.

Mr. PERCY. Mr. President, my own conclusion has been comparable to that of the Senator from Virginia.

I have not been able to find a slide rule that we could use. I have not been able to find a "go" or "no go" gauge to

which we could subject an individual to determine whether or not he meets the test of conflict of interest. If the regulations, laws, and precedents were so clear that we would all understand them ahead of time, we would not have to have as extensive hearings or confirmation proceedings. Mr. Packard obviously never would have been asked to serve, if it was clear cut that he could not serve if asked.

So we are asked to sit in judgment. We are asked to weigh all of the evidence. We are asked to look at the laws, regulations, and precedents, and then, as individuals in the best judgment we personally can render, to come to a conclusion as to whether it is in the public interest that a nominee—in this case, Mr. Packard—be confirmed.

I suppose in theory we should be totally divorced of any conflict of interest ourselves, as the distinguished Senator from Tennessee pointed out. However, as we know, it is very difficult to have any issue presented to us where some of us have not had prior knowledge, or a prior position, brought about as a result of personal holdings, public experience, friendships, or whatever it may be.

I must say in this case I find myself in a rather unusual situation. I find myself sitting in judgment on a man who for years was a competitor of mine in business.

I cannot tell the Senate how many hours of sleep I have lost at night or how many conferences I have held during the day because of the efficiency and the effectiveness of the competition of Hewlett-Packard against the Bell & Howell Co.

One-half of the business of one of our major divisions—a division that I was instrumental in recommending our company acquire in California—is directly competitive with Hewlett-Packard. Although I have divested myself of one-half of my Bell & Howell holdings and I have arranged to have my investments managed by an independent investment company with instructions to avoid investments that conflict with my Senate duties, I must say I am faced with an unusual situation.

Should I disqualify myself from rendering a judgment on this nomination?

I cannot decide how anyone would interpret my vote in this case. If I were to vote "no" on confirmation, by some stretch of the imagination it might be said that I voted in that way because I do not want Hewlett-Packard to benefit, if indeed it could, or would, benefit by this appointment.

If I should vote "yea" I could be said to be saying in effect that I would like Mr. Packard out of Hewlett-Packard because it will make them less competitive and my own holdings might be made more worthwhile. So how does one resolve such "conflicts" in this particular case?

I think that really my responsibility and the responsibility of all Senators is to render the best judgment we possibly can. I have no more interest in the Bell & Howell Co. than I have as a stockholder in many other companies. But are we to say everyone in this body who owns Hewlett-Packard stock, or whose wives and children own it, should not vote be-

cause of that ownership? Should anyone who holds stock in any company that is competitive with Hewlett-Packard abstain? As a practical matter, we probably do own stock in some competitive companies and perhaps some Senators would not even know about the nature of the competition of the particular business as against Hewlett-Packard.

Therefore, I think we come back to the decision that we now have to make. We do have certain standards which have been articulated in a fine manner by the Senator from Tennessee. The distinguished Senator from Tennessee clarified many points for us.

But I think the matter boils down to this: On what kind of man are we rendering judgment? Do the circumstances in this particular situation warrant our making an exception to a precedent we have tried to have before, that a nominee must divest himself of all stocks?

With respect to the exception, I read the statement by Mr. Packard in his testimony. I went over to sit in on his hearings before the Committee on Armed Services. He made the statement that "it is not practicable for us to sell that stock; that is, 3,550,000 shares."

I asked myself whether this statement is correct. Can I assume I know enough? Therefore, I called one of the largest and most sophisticated brokerage houses and underwriters on Wall Street, headed by a man who was an adviser to the past three or four Secretaries of the Treasury, and a company that I would think would be very interested in handling the matter if there were a secondary offering. I put the question: Is that statement right? He considered it and said that in his judgment it is absolutely sound. They said that this market could not absorb that much stock. It would depress the value of the stock by millions and millions of dollars; it would injure every stockholder and every employee in that company who owns stock. They think it an eminently accurate statement of the situation.

Then, I tried to look at the nature of this business from what I know of the company. Mr. Packard said in his statement:

The Company manufactures a broad line of electronic measuring instruments, all of which have been developed in the Company's own laboratories with company funds and all of which are sold as standard catalog articles at published prices. About 30,000 customers in a world-wide market are served each year.

The committee confirmed this statement. In other words, Hewlett-Packard is not a company that is set up to create and develop military products only for the military. It is true that the Government buys some of these products, and they buy a great many of them. However, for the most part their customers are 30,000 independent customers, among whom are the largest universities in the world and the largest companies in the world.

These products are sold by highly sophisticated technical people. They are purchased by highly sophisticated technical people. The prices are set in the competitive market place. The Government does not set those prices. The Gov-

ernment, through renegotiation, takes back any excess profit, but the proceeds are essentially set by the most hard-headed and shrewdest men in American business. So this is a different case than a company dependent upon research and development funds from the U.S. Government, or a company that was developing products for the Government which were later sold in byproduct form to private industry. This situation is quite the other way around. The Government benefits by having a company in this field selling to industry as a whole and I can assure the Senate that there are many other companies in the field.

This particular industry, Mr. President, is one of the most highly competitive businesses I have ever been in. The profit margins, because of the efficiency of Hewlett-Packard and other companies, are lower in this area than we would have liked to have seen it when I was head of the company 5 years ago. It was strictly because of skill, ability, and know-how.

Mr. President, I would like to add that Mr. Packard has divested himself of all other stocks, as he rightfully should, in a total amount exceeding \$2,000,000. As has been so ably pointed out by the distinguished Senator from Colorado, and the distinguished Senator from Virginia, he has done everything conceivable to protect the public interest. So I say, it really gets back to the question of the man.

A statement was made by the distinguished Senator from Tennessee in which he said that if we confirmed this appointment, confidence would be destroyed in the process of confirmation. I cannot quote exactly what the Senator said, but I believe that is essentially what he said.

I wonder, confidence destroyed where? In the business community? Mr. Packard is a member of the business council and is known to the top industrialists of this country. He is highly respected by his peers in that field.

My own judgment would be that their confidence in our process of confirmation would be destroyed if we did not confirm his nomination simply because of this one consideration.

Labor? He has an outstanding labor record. He is highly thought of by the labor leaders of this country. I am sure they would be concerned if we did not act.

With the scientific community; would confidence be dissipated if we confirmed his nomination? I would say it would be the other way around. Within the educational and scientific community, Mr. Packard has the reputation of being one of the most competent men in the world, let alone in the United States of America.

I believe that the general public admires a successful man, particularly a successful man who, though he has accumulated a great deal of material wealth, gives the impression to all those who know him that he really could not care less about that. He is more interested in accomplishment, in devoting his time and energies to educational institutions—and now to government—

and to those things which will make his country better and stronger.

Thus, we have an eminently successful man, a great administrator, one of the most brilliant and creative men in America today, a problem-solver, who has been nominated to go into one of the most sophisticated and complicated businesses we have in government. He is a man who, I believe, can think through the kind of problems we face in setting priorities for the defense of the free world and the United States of America, and yet who understands the most sophisticated weapons systems.

He brings to the Defense Department a body of knowledge perhaps unparalleled in an industrialist coming into Government. He is a man who all his life has been able to set priorities and insure that whatever he was connected with—a company or an educational institution—will get the most value for the money spent. He is a man remarked by everyone I know who has known him and I have known him myself for years—for his integrity, to the extent that he could not conceivably be questioned by any of us.

I cannot imagine Mr. Packard's permitting a decision ever to be made, or ever making a decision, that would in any respect benefit directly or indirectly him or any member of his family.

(At this point, Mr. HUGHES took the chair as Presiding Officer.)

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

Mr. PERCY. I am delighted to yield to the Senator from Tennessee with pleasure.

Mr. GORE. I share the Senator's high estimate of Mr. Packard, based upon every bit of information that has come to me. I do not know him personally, but because of statements in this regard, a number of people have volunteered their impressions. Nothing has been unfavorable. Thus, I share the high esteem of the Senator from Illinois for Mr. Packard.

However, I believe I said that confirmation, as I saw it, with a prima facie conflict of interest appearing, would shake confidence not destroy it. If I said "destroy," I should not have used that word, because that has a totality about it which I did not wish to imply. I believe, however, I said that it would shake confidence.

The distinguished senior Senator from Michigan (Mr. HART), who has had to leave to catch a plane, asked me if I would call to the attention of the Senate a very pertinent colloquy on this point at another committee hearing, and I wonder whether the Senator from Illinois would be willing to have me do that now.

Mr. PERCY. I would be very happy to have the Senator do so.

Mr. GORE. This is with regard to the committee hearing on the confirmation of Governor Volpe.

The colloquy is as follows:

Senator COTTON. Governor, I glanced over your list of holdings and securities that you submitted to the Committee, consistent with the policy of the Committee having this in advance, and without being critical, let me ask you: Have you contemplated any ar-

range of putting in trust or anything, such as Secretary Stans has resorted to?

Governor VOLPE. I believe that because my stock was in a construction firm which I founded and because buildings are visible pieces of property that can be seen as they are erected, it was necessary not only to avoid a conflict of interest insofar as the law is concerned but the spirit of the law as well. Therefore, I felt the manner in which it ought to be done would be through the sale of my stock completely. I hesitated to do this because it is a firm I founded myself. But I felt the only way that it could be done, without any shadow or possibility or appearance of conflict of interest, was to sell that stock, and I have arranged for the sale of my stock back to the corporation as provided for in our bylaws.

The Senator from Michigan (Mr. HART) then entered the colloquy, as follows:

Senator HART. Governor, congratulations, good wishes. I had not really intended to get into this conflict except to ask the clarifying question of the earlier witness, because however you approach it, it is an unsatisfactory situation. But I was struck as you described the reasoning that persuaded you to sell your construction company's stock, sell it rather than put it in trust. You felt since you had founded it and since the product was visible—buildings—you just felt it was better to sell, that it would avoid a conflict of interest.

At some other hearing I read about it in the paper, there is another distinguished American who is confronted with the same problem. He founded a business, his products are tangible, a substantial quantity are purchased by the government, but he concludes that he should not sell, and chiefly because of the devastating consequences of dumping all that stock on the market. Most people apparently agree that he need not sell.

How do you distinguish your situation from his?

Governor VOLPE. Well, first of all, I would distinguish it in this way, that although mine is a substantial construction operation, there is no comparison between the amount of money involved in my situation and the amount of money involved in the situation to which I believe you are referring: on the order of \$300 million. That is what I remember by way of a figure, 300 to 1.

Mr. President, thus, if a man has \$1 million, we apply the rule, but if he has \$300 million, we apply another rule, or none at all.

Mr. PERCY. If I may reply to that statement, there are two very basic differences here.

The first is that Governor Volpe was confirmed to be the Secretary of a department. He will be the top man, the final decisionmaker in the area of responsibility for that department.

In this case, we are asked to confirm a man who will be the second man, who will have over him a superior who can reverse any decision and who is, as we know, one of the most sophisticated and knowledgeable men in this particular area that he could be dealing with.

The second thing is that Mr. Volpe was able to sell his stock very easily. Apparently, the company just purchased it. It could be done, and it was done.

In this case before us, it is entirely different. We know the nominee's holdings cannot be sold. The company does not have \$300 million to buy back Mr. Packard's stock, and the market could not be asked to absorb it without a break in price that would constitute a very great

hardship for tens of thousands of people—trusts, widows, whatever it may be, that own the stock of this company. The public would be asked to take the punishment for no reason but a forced action or arbitrary request of the Government, and because of a potential conflict of interest which many of us feel does not exist in the first instance. So I do believe the case is entirely different.

Mr. President, it is for these reasons that I support, and intend to vote for the confirmation. I believe we have benefited greatly by bringing out some of the complexities of the situation. But again, it is a matter of individual judgment on this man and this situation, and I think the evidence is overwhelmingly in favor of confirmation.

Mr. MURPHY obtained the floor.

UNANIMOUS-CONSENT AGREEMENT

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

Mr. MURPHY. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 30 minutes on the pending nomination, the time to be equally divided between the distinguished Senator from Mississippi (Mr. STENNIS) and the distinguished senior Senator from Tennessee (Mr. GORE), the vote to take place not later than 4 o'clock.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

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

Mr. MURPHY. I yield.

Mr. STENNIS. How much time does the Senator want?

Mr. MURPHY. Probably 2 or 3 minutes. I believe I have been very patient. I have been in the Chamber—

Mr. STENNIS. I yield 5 minutes to the Senator from California.

Mr. MURPHY. I will take only 3 minutes.

Mr. President, I should like to congratulate my esteemed colleague from Illinois for his presentation of this matter. I am pleased to rise in support of the nomination.

Mr. Packard comes from my State, California. In examining his qualifications, his background and capabilities, some of us there were alerted and asked to do all the research and all the studies that we could.

I am pleased to say that never in my life have I heard a man receive such a glowing recommendation from all areas, from scholastic groups, industrial groups, and civic groups. No one, in my knowledge, would have the qualifications that are attributed to this man.

I heard, on three occasions, close friends, close associates, and competitors say, "I do not care what job you gave Mr. Packard to do; chances are he would do it better than anyone else."

We have spent some time talking about the amount of money he has accumulated. I think it is exciting, I think it is in keeping with American tradition, particularly when we understand that he started the business in a garage with a capitalization of less than \$600.

He does not build any weapons. He does not build any weapons systems. He

is not to be compared with Secretary McNamara, whose company did build hardware, and great amounts of it, or Secretary Wilson, whose company did build hardware. Mr. Packard's company builds an instrument that is used in measuring components of electronics; and apparently it is one of the best of its kind. It is off the shelf. It is not built especially for the Government. It is not dependent upon Government contracts.

As a matter of fact, during the testimony he said something that I was very pleased to hear—that he would be in favor of competitive contracts, that a contract should go to the company that could deliver the best product at the lowest price in the fastest period of time, rather than negotiated contracts. My experience with negotiated contracts leads me to go along with that point.

However, I sincerely hope that my colleagues will understand, as I believe the majority of the committee understood, that this man has done everything possible, with the very best advice, so that in no way can he benefit from any decision he might make in this government position; and if there is damage done from other influences to his company, he is not particularly worried about that. He is a man whose public service in California and across the Nation is well known, and he is taking this job at great detriment to himself and his future. He is doing it because he wants to give the very best service he can to the country. I think the President of the United States is to be complimented on having a man of such generous spirit and a man of such great capability and a man who demands such respect.

I do not think any of my colleagues will have to worry about that after this long and distinguished public career, they would have to be concerned about Mr. Packard's being guilty of something that might lead them to believe there was a conflict of interest.

I will endorse the nomination and vote for it enthusiastically.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from New Hampshire (Mr. McINTYRE.)

Mr. McINTYRE. Mr. President, as a member of the Armed Services Committee, I must admit to certain reservations that I had as we approached the hearings on Mr. Packard. At that time, I was involved in a committee of my own, in which I felt that a conflict of interest was actually hurting my cause. As I concluded the hearings 2 or 3 days later, I found that three elements have brought me around so I can support this nomination.

The first is a peculiar one. Perhaps it is one the distinguished Senator from Tennessee (Mr. GORE) would not appreciate. But I think it is on the very size, \$300 million, represented in the stock that Mr. Packard owns. There is a certain amount of integrity and insulation in the amount itself. For instance, the dividends from that stock will amount to some \$720,000 annually. These dividends, under the trust, will be distributed, either annually or semiannually, to those named the beneficiaries. But witness, if you will, that Mr. Packard, from that \$720,000, over a 4-year span, would have

received nearly \$3 million, which he is writing off to begin with. So that I found, on the size of his holdings, the conflict of interest we seem to be worried about sort of dissipated and fell apart. I think his answer was truthful. It is hard for me to conceive of being worth \$300 million.

I asked him: "Would you be worried if your stock went down two points? That means you would lose \$6 million."

His answer was: "That would not worry me a bit. If it did worry me, I would not be interested in this business of doing other things."

So I was impressed by the fact that, with Mr. Packard's \$300 million, Mr. Packard's concern for it long had advanced beyond the concern of the man who had made his \$1 million and was looking for \$5 million.

As the Senator from Illinois pointed out, there is a particular factor involved, and that is the narrowness from which the Hewlett-Packard Co. operates. It is strange to say "narrow" when one thinks of \$34 million of Government contracts, but it is off the shelf. It is not a component part of a missile, tank, or submarine.

As we approach the overall problem, we find, which has been admitted in the debate today, that we have very little statutory guidance on the conflict of interest problems, and it seems to me each committee sets its own standards.

I think, too, as the Senator from Virginia does, that if we followed the logical conclusion of the Senator from Tennessee, we would find that what he seeks is complete divestment, as in the McNamara case, of the stock.

That means that this man becomes ineligible, and I do not believe, with the problems that the Defense Department has today, that we can afford, as a nation, to declare ineligible for office men of the successful type of Mr. Packard. I, too, agree that we should, as a body, do something about the conflict of interest problem.

With that, Mr. President, I close by saying that I support the nomination of Mr. Packard.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, as a member of the Armed Services Committee, it was my pleasure to sit and listen to the testimony given by Mr. Packard. I was extremely impressed with his testimony, as I have been with the man himself for many long years. I rise at this point, not to reiterate what has been said about the trust, because I think it is one of the safest ones that I have seen in the years I have been here and in my new freshmen term; but I wish to comment on one thing Mr. Packard did that I think we in Congress might well emulate: he included not only a statement of his own holdings, but a statement of the holdings of his wife.

This conflict of interest problem is something we are beginning to learn we do not know very much about. I do not believe it is encompassed in how much money or how much stock you own in General Motors, Smith & Co., Ford, or any other firm. I think if a man is basically honest, he is going to remain basically honest.

I have looked at the new conflict of interest rules for this body and the House of Representatives, and it amazes me that we file only for ourselves. My wife happens to be a woman of means. Certainly what is of interest to her is of interest to me. My children own stocks. My brother owns stocks, and my sister as well; and yet I do not have to file for them. I would suggest that we might take to heart the example of Mr. Packard, and follow through on it.

But, Mr. President, during the course of the testimony which our chairman so ably handled, one thing was brought out that impressed me more than anything else. For the last 8 years, if there has been a place in this country where there has been a real lessening of morale, it has been in the Pentagon. In fact, it got so bad over there that morale just did not exist. I have had a number of friends in the military services who have resigned rather than put up with what they have had to put up with for the last 8 years over there.

Mr. Packard made it a point to bring out what I think is the most important factor in any business: the people who work for it. They are not figures in a ledger, or punches on a tape; they are people, the most important factor to the success of any business. For that reason, I would recommend a man going into the Pentagon, after what they have put up with for 8 long years, who will listen to people who have something to offer, and not go off half-cooked on his own, with the advice of some half worn-out computer.

Mr. President, I merely wished to point out that the emphasis Mr. Packard has placed on people is, to me, one of the most important facets of this matter.

Mr. PROXMIER and Mr. ALLOTT addressed the Chair.

Mr. STENNIS. I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. GORE. Mr. President, I yield my remaining time to the Senator from Mississippi.

Mr. STENNIS. Very well.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I simply want to add something to this debate which I could not refrain from adding, because I can add something that no one else in Congress can add. David Packard was born in the same town that I was: Pueblo, Colo. When this young lawyer who now stands before you got out of law school, it was David Packard's father, Sperry Packard, who gave the young man a place in his office and gave him some business to get started, so that he could pay off his school debts.

Sperry Packard was one of the finest men I have ever known in my life. He was not only a man of scrupulous integrity; he was also a very capable and brilliant lawyer. Knowing him as I knew him very well, for a year, in my association there in that office—never a formal association—I know what kind of stock Dave Packard came from.

But more than that, I knew Dave Packard as a high school student. I knew

his sister Ann. I knew his mother. In fact, in the spring of 1930, I used to go out in the field with Dave Packard in an attempt to help him with the hurdles, which he was then running.

Having known him, and having known his family, although my acquaintance with him since then has been only sporadic, I could not let this moment pass without saying that, having known him and his background, having known what he did at Stanford, and what he has done since, I would be most remiss, Mr. President, if I did not contribute this little personal picture of Dave Packard as I know him.

Mr. STENNIS. Mr. President, if any Senator wishes to speak, the Senator from Tennessee has yielded me his time.

Mr. MANSFIELD. Does the Senator intend to conclude the debate?

Mr. STENNIS. No; the Senator from Tennessee will. I have just a few words.

Mr. President, may I inquire what amount of time remains on each side?

The PRESIDING OFFICER. The Senator from Mississippi has used all his time. There are 12½ minutes remaining on the other side.

Mr. STENNIS. Does the Chair understand that that time has been yielded to me?

The PRESIDING OFFICER. Yes. Mr. STENNIS. I now yield to the Senator from Wisconsin for a question.

Mr. PROXMIRE. Mr. President, I ask the distinguished chairman of the committee about this claim which has been made over and over again on the floor and in the press, that if Mr. Packard is required to dispose of his holdings in Hewlett-Packard, it will greatly depress the stock of the company, and result in sacrifice not only on his part, but on the part of many stockholders.

I ask the chairman whether this has been explored with investment banking firms, and whether their advice has been secured about it.

It is my understanding that a large investment banking syndicate could dispose of 3 million or 5 million shares, or any amount of stock, over a period of several weeks, in the event they were asked to do so, and if the company whose stock is being sold is an established firm, with strong earnings and so forth, there might be a limited sacrifice, but not the kind of catastrophe which would occur if a man went to the market and said, "I am selling 3 million shares for whatever it will bring."

I am informed that it could be done by the investment banking syndicate with each member taking a limited amount, and being able to sell it at a point or 2 or 3 points below the market. Perhaps I am wrong on that, but I should like to know what the result would be, and whether or not this point has been explored with investment banking firms.

Mr. STENNIS. I am glad to answer the Senator's question.

This transaction would involve \$300 million in value of stock, and 30 percent of the total stock of the company. We are advised, including advice by investment firms, that it could and would have a very depressing effect, and could have a very abrupt and almost disastrous ef-

fect upon the value of the stock. Depending on how long a time was taken, of course, it could be stretched away out, perhaps; or there might be enough resources in those houses, so that if they were to combine for that purpose, they could doubtless absorb the stock. But that is so far beyond the realm of reason and practice that I believe, as a practical matter, it is undoubtedly true that such an action would result in a great sacrifice on the part of innocent stockholders. It was something that the committee backed off from taking on, even if Mr. Packard had agreed to do so.

Mr. PROXMIRE. I might say that the Hewlett-Packard Co. is going to suffer a severe sacrifice anyway, because Mr. Packard is a remarkably successful leader of this firm, and the loss of his leadership undoubtedly will have an adverse effect on the company.

Mr. STENNIS. It already has.

Mr. PROXMIRE. I thank the Senator. Mr. STENNIS. The Senator from Illinois (Mr. Percy) had this question on his mind, too, and he made some independent inquiries.

(Mr. Percy subsequently made the following statement, which is printed here by unanimous consent.)

Mr. PERCY. Mr. President, following my previous remarks, the distinguished Senator from Wisconsin asked a question pertinent to those remarks and I regret I was not in the Chamber at that time. I have since given him the answer and he has suggested that I make the statement for the Record.

The question he asked relates to the statement made by Mr. Packard before the Committee on Armed Services, that it was not practicable to sell his Hewlett-Packard stock, and whether his position is verified by expert advice.

Mr. President, I wish to say to the distinguished Senator that in order to verify this statement and make certain that it could be validated by proper authority, I contacted an outstanding investment banking firm in Washington, an outstanding firm in Philadelphia, and two of the largest firms in New York City. The composite of their judgment was that from a practical standpoint Mr. Packard's statement is absolutely fundamentally sound.

The rationale is as follows: If 3 million shares of Hewlett-Packard stock were placed on the market in a secondary offering the question would immediately go through the minds of stockholders of Hewlett-Packard, including banks, trusts, and other organizations: What is going to happen to the price of this stock?

They might decide that there is going to be a depression in the price, with one-third of the stock becoming available, and they might decide to sell their stock. Certainly demand would have already slackened; there would not be many buyers, with the prospect of some three million shares immediately becoming available. Therefore, the price immediately would begin to erode and the question would become: At what point will the floor be reached?

In such a situation, no investment company could or would set a fixed price

to buy 3 million shares of the stock with the price steadily going down.

The judgment of the most outstanding authorities I could go to—the last as recently as 1 hour ago on the telephone—is that this statement is absolutely fundamentally sound and they would support it in every respect.

Mr. STENNIS. Mr. President, I have a very few minutes in which to conclude. I thank the Senator from Tennessee (Mr. Gore) for yielding time to me in this way. I shall certainly not use all his time.

I appreciate very much the fine presentation that he made of his viewpoint. He is always a formidable debater, and is not given to idle language or idle points. He brought the question into sharp focus and ably presented his views.

The question has been raised by the Senator from Tennessee: Why did not the committee require Mr. Packard to dispose of the other stock, meaning the stock of the company that had contracts with the Department of Defense? It was salable and we required him to comply with that ruling to the extent that the stock was salable, just as we have required anyone else to do so.

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

Mr. STENNIS. I yield to the Senator from Tennessee.

Mr. GORE. I am not an authority, of course, on the operations of the stock market and the marketing of securities. I think, however, for the benefit of the Record, I should say that some persons who are knowledgeable in the field, and upon whose expertise I have reason to rely, have told me that the stock could be handled through an underwriting agency within a reasonable time, with no serious or adverse consequences to the corporation. I do not know. But since the point had been made, I sought answers to it, and I was told by persons whom I have found to be reliable that it could be done.

Mr. STENNIS. The committee's information on that point was to the contrary.

I failed to point out that former Secretary McNamara, who held the office of Secretary of Defense for almost 8 years, and former Secretary Clifford, of the Department of Defense, as well as Mr. Nitze, said that during their periods of office no matter involving Hewlett-Packard had come to their attention. In other words, no decision concerning this company's affairs had come before them. That confirms the fact that such contracts are made at field level or by Army procurement agencies or by an Air Force or another agency, wherever it might be.

Furthermore, the new Secretary of Defense, Mr. Laird, assured us that he would take the responsibility of making certain that no matter involving Hewlett-Packard would ever go to Mr. Packard so long as Mr. Packard was Deputy Secretary of Defense. Of course, Mr. Packard made the same pledge, that he would see to it that such matters did not reach him, either.

One thing more. I did say that faith in Mr. Packard—at least, some faith—went to the heart of the matter. Of course, I had already outlined all the

other safeguards about the trust agreement and the precautions that had been put around it, until it got down, in the final analysis, to the point where it was necessary to have some faith in the man, and that faith went to the heart of the matter. I still feel that way.

One other point: Mr. Packard impressed me. I was skeptical about the nomination when I was called about it before the holidays. One thing that cleared up my mind is that he was not a coached witness. He spoke with spontaneity, firmness, and conviction. He was speaking from his heart and his mind, and he knew the answers. There was no hedging, there was no preparation.

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

Mr. STENNIS. I gladly yield.

Mr. GORE. I find it of some significance that Secretary Laird felt it advisable to tell the committee that he would issue an order that no matter affecting the Hewlett-Packard Co. would reach Mr. Packard. I do not know how Mr. Packard, as Deputy Secretary, could make decisions with respect to policy, deployment of arms, armament programs, and the further sophistication of the weapons system without its having an effect upon the electronics issue. This in itself exemplifies the existence of a conflict of interest, which we are asked to approve.

Obviously, with the unanimous support of the committee, with the recommendation of a new President, with the grace which all of us wish to extend to him, and with the flexibility we would like to accord him in the selection of his team, there is no chance to prevent the confirmation of the nomination at this point.

I should like to close by calling upon Congress to consider this debate and to let the issue on this conflict dramatize the note for a serious attack upon conflict of interest, a practice which is growing bigger and bigger in our industrialized society.

Mr. STENNIS. Mr. President, I yield 1 minute to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, earlier I commented that we hear much talk about conflict of interest without knowing much about it. We tend to associate it with nominations. I read from the Wall Street Journal of today an interesting report, without making any charges. The headline is:

Illinois Central Road Names as President Alan Boyd, Former Transportation Agency Chief.

The article contains the following sentence:

The Department of Transportation earlier this month announced a \$25.2 million grant for a replacement of cars in the Illinois Central's 40-year-old commuter fleet.

Also, the article states that Mr. Boyd's salary will be \$75,000 a year.

Is this a conflict of interest, or is it not? I do not think it is. But it is demonstrative of what we have been arguing about. We really do not know much about the field of conflict of interest.

Mr. President, I ask unanimous con-

sent that the entire article be printed in the RECORD.

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

ILLINOIS CENTRAL ROAD NAMES AS PRESIDENT ALAN BOYD, FORMER TRANSPORTATION AGENCY CHIEF

CHICAGO.—Alan S. Boyd, President Johnson's Secretary of Transportation from the time the Department of Transportation was created until President Nixon's inauguration Monday, was elected president of the Illinois Central Railroad, chief subsidiary of Illinois Central Industries Inc.

The announcement, which surprised many members of the transportation industry, was made at a press conference and luncheon for Illinois Central shippers in Pittsburgh.

Mr. Boyd succeeds William B. Johnson as president of the railroad, with Mr. Johnson continuing as chairman and chief executive officer. He also remains chairman and president of Illinois Central Industries.

Employment of the 46-year-old Mr. Boyd is probably the most significant of a long series of major personnel changes Mr. Johnson has made since he left the presidency of Railway Express Agency Inc. to head the Illinois Central in 1966.

In the past two years he has assembled a management team that many competitors concede may be the industry's most capable. Instead of using the traditional rail industry technique of promoting from within, he has obtained a number of key executives by hiring top talent from other railroads and industries.

BOYD'S RESPONSIBILITIES

In making the announcement, Mr. Johnson indicated Mr. Boyd will head this management team and have responsibility for all the day-to-day operations of the railroad. Mr. Johnson, 50, said he expects to divide his time between railroad and holding-company duties. Sources close to Illinois Central believe Mr. Johnson eventually will relinquish his post with the railroad to devote full time to affairs of the parent holding company.

Mr. Boyd's starting salary will be \$75,000 plus deferred compensation of \$20,000 annually and options not yet worked out. Mr. Johnson said Mr. Boyd will assume his position April 1 after a vacation.

In his position with Illinois Central, Mr. Boyd can be expected to be of considerable help because of his expert "inside" knowledge of the complexities of Government regulation of all forms of transportation.

The Illinois Central currently is engaged in several major efforts requiring Government approval. The most significant is an application before the Interstate Commerce Commission seeking to merge with the Gulf, Mobile & Ohio Railroad. The merger would combine the 6,700-mile, 14-state Illinois Central system with the 2,700-mile, seven-state GM&O. Main routes of both roads run from Chicago directly south to the Gulf Coast; the Illinois Central also runs from Chicago to Omaha, and the GM&O from Chicago to Kansas City, Mo.

"BOUGHT BY MANY OTHERS"

Mr. Johnson noted that Mr. Boyd's services "have been sought by many others" because of his experience and qualifications, and said his decision to come to the Illinois Central should "reaffirm and hearten those who believe that railroads in general and Illinois Central in particular have important and productive work to do for the U.S. economy in the years ahead."

During his time in Washington, Mr. Boyd has been regarded as an outspoken advocate of increased cooperation among all types of transportation, repeatedly urging an end to antagonisms among the various modes. "We need to face the fact that, as we do not send dentists into court or send lawyers to fill

teeth, neither should we send aircraft to do the work of trains, cars to do the work of buses, or buses to do the work of rail transit," he said.

In the press conference announcing his election, Mr. Boyd predicted there will be changes in public policies that tend to impair intermodal activity.

CITES NEEDS OF RAILROADS

He also said there has been too much regulation of the railroad industry, and the whole subject should be reviewed. Railroads have been "hamstrung" by regulations, and the industry needs more competition and freedom to compete, he said.

Asked if he blamed Government regulation more than railroad managements for the industry's ills, Mr. Boyd said the industry had enough trouble for everyone to share in spreading the responsibility.

He predicted Mr. Boyd would "provide outstanding leadership," and be "increasingly valuable" to Illinois Central as the time approaches "when the public interest demands more and more of the benefits that can be generated by intermodal operations."

Mr. Boyd said he believes a Government policy setting forth overall guidelines for railroad mergers is needed in place of the "case-by-case" approach utilized in the past. That approach, he said, has failed to recognize the "national picture."

He said Government subsidies are necessary for commuter railroad operations and possibly for longer-haul passenger runs in cases where public demand for the service exists but it can't be met on a profitable basis. The Department of Transportation earlier this month announced a \$25.2 million grant for replacement of cars in the Illinois Central's 40-year-old commuter fleet.

Mr. Boyd also said he had a strong interest in improving overall railroad industry service and increasing freight car utilization. "It does little good for one railroad to break its back providing good service and then have a car delayed three or four days at a junction point," he said.

His lack of committed positions in the field of labor-management relations should help in that currently critical area for the railroads, he said.

ONCE SERVED ON CAB

Mr. Boyd was sworn in as the first Transportation Secretary in January 1967 and the department formally came into being in April of that year. Previously, he had been Under Secretary of Commerce for transportation, a member and chairman of the Civil Aeronautics Board and chairman of the Florida Railroad and Public Utilities Commission.

In Washington, the trim, tall former lawyer and military pilot was known for his candid, witty and bold style. With the possible exception of the railroads, he managed through his policy proposals and their implementation to antagonize every mode of transportation at some time or other as he went about organizing the new department, which now numbers 95,000 employees and has a \$6 billion budget. "It may be that the bicycle makers are the only ones not mad at him," it was said.

At Illinois Central he will run a railroad with annual revenue in excess of \$300 million and some 20,500 employees. In facing up to his new tasks, he jokingly said he recognized one immediate problem: "As a former Government official, I'll have difficulty operating with the same sense of modesty I've seen in most railroad presidents."

Mr. STENNIS. Mr. President, I thank the distinguished Senator from Tennessee for his unfailing courtesy, and I commend him for his presentation.

I yield the floor. I believe that all time has expired.

The PRESIDING OFFICER. One minute remains.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is, Will the Senate advise and consent to the nomination of David Packard to be Deputy Secretary of Defense? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTGOMERY), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOPER) is absent on official business.

The Senator from Nebraska (Mr. CURTIS), the Senator from Illinois (Mr. DIRKSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Nebraska (Mr. CURTIS), the Senator from Illinois (Mr. DIRKSEN), and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 82 nays 1, as follows:

[No. 13 Ex.]

YEAS—82

Aiken	Goodell	Packwood
Allen	Griffin	Pastore
Allott	Gurney	Pearson
Anderson	Hansen	Pell
Baker	Harris	Percy
Bayh	Hartke	Prouity
Bellmon	Holland	Proxmire
Bennett	Hollings	Randolph
Bible	Hruska	Russell
Boggs	Hughes	Saxton
Brooke	Inouye	Schweiker
Burdick	Jackson	Scott
Byrd, Va.	Javits	Smith
Byrd, W. Va.	Jordan, N.C.	Sparkman
Cannon	Jordan, Idaho	Spong
Case	Kennedy	Stennis
Church	Long	Stevens
Cook	Mansfield	Symington
Cotton	Mathias	Talmadge
Cranston	McCallan	Thurmond
Dodd	McGee	Tower
Dole	McGovern	Williams, N.J.
Dominick	McIntyre	Williams, Del.
Ellender	Metcalf	Yarborough
Ervin	Miller	Young, N. Dak.
Fannin	Mundt	Young, Ohio
Fong	Murphy	
Goldwater	Nelson	

NAYS—1

Gore

NOT VOTING—17

Cooper	Dirksen	Eastland
Curtis	Eagleton	Fulbright

Gravel	McCarthy	Muskie
Hart	Mondale	Ribicoff
Hatfield	Montoya	Tydings
Magnuson	Moss	

So the nomination was confirmed.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

AMENDMENT OF RULE XXII

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which will be stated.

The BILL CLERK. A motion to proceed to consider Senate Resolution 11, to amend rule XXII of the Standing Rules of the Senate.

MESSAGES FROM THE PRESIDENT

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

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

THE TRANSPACIFIC AIR ROUTE CASE

Mr. GRIFFIN. Mr. President, on April 16, 1968, a veteran professional hearing examiner for the Civil Aeronautics Board, Mr. Robert L. Park, issued his recommendations in the \$500 million transpacific air route case.

Based upon the merits of the case, Park proposed new routes for Eastern, Northwest, Pan American, TWA, United, Western, and Flying Tiger airlines.

Park recommended no additional routes for Braniff, American, and Continental.

The hearing examiner's recommendations were generally applauded. For example, the New York Times of April 17, 1968, carried this evaluation by Evert Clark:

Mr. Park's proposals brought many surprises to the airline industry. They also brought the frequent observation that politics appeared not to have been involved in his recommendations, despite intensive competition for the routes.

There was considerable speculation here (in Washington) that the case is so complex and Mr. Park's recommendations so thorough that neither the Board nor the President is likely to alter them drastically.

As it turned out, that prediction in the New York Times proved to be inaccurate.

Under established procedures, a hearing examiner's proposed decision in a case is subject to review by the CAB, which is politically appointed. Of course, the CAB has authority to overturn or completely revise an examiner's recommendations.

In addition, the President of the United States has authority, based upon his foreign policy responsibilities, to review any international phase of such a case, and to rule independently thereon.

On December 19, 1968, about a month before President Johnson would leave office, the CAB and the President issued their decision in the air route case.

As a result, Examiner Park's recommendations were drastically revised. Braniff, Continental, and American Airlines—which were excluded by the examiner—received important and very valuable air route assignments. Eastern Airlines, which had been included in the examiner's awards, was excluded completely in the revision.

Needless to say, this represented a sharp and significant reversal of conclusions reached by Examiner Park.

Not surprisingly, the new decision by the White House and the CAB has generated considerable controversy and discussion in the airline industry and in the press.

Writing in the Sunday, January 19, 1969, issue of the New York Times, on the first page of the financial section, Robert E. Bedingfield said:

The consensus of the airline industry on the Civil Aeronautics Board's decision last month in the Trans-Pacific route case is that the Board made the wrong awards to the wrong people for the wrong reasons. . . .

Later on, in the same article, Mr. Bedingfield wrote:

The favors shown Braniff and Continental were considered in both the industry and in Wall Street to be politically inspired. Airline Newsletter, a publication circulated among airline executives, observed: "As expected, President Johnson seems to have made an effort to reward his friends, or to appear to have done so."

In the January 20, 1969, issue of the Washington Post, Richard Halloran wrote:

The Johnson Administration tried hard to have the case neatly settled before it left office but instead it will be leaving the incoming administration a problem that could confront it with some painful decisions during its early days.

The outgoing Administration, however, will have considerable lingering influence. C.A.B. Chairman John Crooker, reappointed chairman by President Johnson . . . is not expected to resign his post.

Crooker, a Houston lawyer, has been a long-time personal friend and campaign fund raiser for President Johnson.

It will be recalled that Mr. Crooker was first appointed to the CAB last spring to fill out an unexpired term. Then, in midsummer, he was reappointed by President Johnson, and was confirmed by the Senate on August 2, 1968, for a 6-year term which would not begin until January 1, 1969. Crooker's reappointment and

confirmation came some 5 months before his old term expired.

In the January 22, 1969, issue of the Washington Post, Columnists Rowland Evans and Robert Novak wrote:

Depending on favorable Government decisions for their very survival, airlines hire men of political influence—"rainmakers" in the industry's jargon.

Later on, Mr. Evans and Mr. Novak said:

The airlines with the highest percentage of such rainmakers—Braniff, Continental and American—won highly lucrative routes from the highly political C.A.B. . . .

The C.A.B. increased Braniff's route mileage by 200 percent in the trans-Pacific case and the concurrent Caribbean-South American case. LBJ cronies Troy Post and Jimmy Ling control Braniff; the company's payroll includes LBJ insiders Walter Jenkins and Cliff Carter.

The list of rainmakers for other airlines benefitting from the C.A.B. decision after being ignored by the examiner reads like a Who's Who of the Great Society. LBJ intimate Warren Woodward is a vice president of American; ex-Johnson aides Horace Busby and Jake Jacobsen are on American's payroll. Continental is represented in Washington by (former) Secretary of Defense Clark Clifford's law firm; LBJ inside Lloyd Hand is closely connected with Continental.

Mr. President, the transpacific air route case has been under consideration for more than a decade.

In 1959, President Eisenhower requested the CAB to undertake a review of the Pacific route complex. The CAB responded and reached a decision in December 1960. On January 18, 1961—only 2 days before leaving office—President Eisenhower, for reasons of foreign policy, disapproved the CAB's recommendations on the international phase and suggested that the Board and the new administration reconsider the matter.

It is noteworthy that President Eisenhower welcomed reconsideration of the case by the Kennedy administration.

At the present time, under established procedures, the parties to this case have until tomorrow, January 24, to file petitions for reconsideration.

I know that the factors which must be taken into account in a case like this are highly complex. I would not suggest that a review by the Nixon administration should take very long.

But I strongly suggest that this case should be carefully reviewed by the new administration before any award of these multimillion-dollar air routes is made final.

The doubts about this decision suggested in the press are serious, and should not be lightly dismissed.

Therefore, in view of the widespread controversy which surrounds this case, and because of the importance of making sure that such a decision is based on the public interest, I am calling upon the new administration to stay further proceedings pending a careful but expeditious review.

Mr. President, in connection with these remarks, I ask unanimous consent to have the various articles to which I have referred printed in full in the RECORD.

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

[From the New York Times, Apr. 17, 1968]
CAB EXAMINER URGES EXPANDING PACIFIC FLIGHTS—VAST ROUTE OVERHAUL WOULD ADMIT EASTERN, T.W.A. AND WESTERN TO AREA

(By Evert Clark)

WASHINGTON, April 16.—A vast expansion of airline service to Hawaii, the South Pacific and the Orient was recommended today by a Civil Aeronautics Board examiner.

Urging the first overhaul of Pacific route structures in 20 years, Robert L. Park proposed that Eastern Air Lines, Trans World Airlines and Western Air Lines be admitted to the rapidly expanding Pacific market.

The new candidates would join Pan American, Northwest and United. Those three lines would be granted some new or improved routes. In addition, Flying Tiger would become the first American cargo line with Pacific authority, on a five-year experimental basis.

[The C.A.B. examiner's finding stirred mixed reaction from the carriers, ranging from severe criticism by those not recommended for new routes to approval from those suggested for additional routes. On the New York Stock Exchange, shares in the recommended airlines registered gains.]

FIRST MAJOR STEP

One effect of today's proposal would be to make Pan American and T.W.A. true round-the-world carriers of the American flag. T.W.A. now flies east from California to Hong Kong but no farther. Pan Am basically has no domestic route network but recently got interim permission to link its West Coast terminals with New York.

The recommendation is the first major step in the biggest case in C.A.B. history. It must be reviewed by the board itself—perhaps by mid-June—and then by the President.

Mr. Park's recommendation would increase competition in almost every area of the Pacific and give many inland and East Coast cities direct service to Hawaii and beyond.

New and improved services proposed today would begin early in the nineteen-seventies. Six foreign-flag carriers now compete against the three American carriers in the Pacific.

The importance of the so-called Trans-Pacific Route Investigation was reflected in this statement by Mr. Park:

"One cannot peruse the facts in this record without being deeply impressed by the nature and extent of the involvement of this nation in the Pacific. From every point of view—defense, economic, trade, tourism—the interests of the United States are being drawn inexorably toward the countries of the Pacific basin."

Seventy-two parties have introduced evidence in the case and a transcript of 9,421 pages has been compiled from the 68 days of hearings held here and in Honolulu last year. Altogether, 18 airlines—two of which merged during the hearings—sought new or improved routes.

Mr. Park's proposals brought many surprises to the airline industry. They also brought the frequent observation that politics appeared not to have been involved in his recommendations, despite the intensive competition for the routes.

American, Continental and Braniff, considered particularly strong contenders, got no new routes. Eastern got virtually everything it had asked for. United got none of the flights beyond Hawaii that it had sought. Pan American and Northwest, the predominant Pacific carriers, were given more competition on their prime routes than many had expected.

There was considerable speculation here that the case is so complex and Mr. Park's recommendations so thorough that neither the board nor the President is likely to alter them drastically.

ACTION BY EISENHOWER

On the other hand, some observers recalled that just before he left office in January, 1961, President Eisenhower in effect threw

out several years of C.A.B. work on revision of Pacific routes and told the board to restudy the case at some time well in the future. The current review is the first since his rejection.

Mr. Park's proposals essentially eliminate West Coast cities as the prime gateways to the Pacific. They would open the West, Midwest, South, South-Central and Eastern areas to direct flights, some of them nonstop.

His recommendations include:
Eastern Air Lines—Flights from 11 mainland points to the South Pacific, making it Pan American competitor there. The points are Boston, New York-Newark, Philadelphia, Washington-Baltimore, Chicago, St. Louis, Dallas-Fort Worth, Houston, New Orleans, Atlanta and Miami. Eastern would have to overfly the West Coast via Hawaii or go by way of Mexico City and Acapulco. It could serve Tahiti, American Samoa, Fiji Islands, New Zealand and Australia.

Western—Two new routes between Anchorage, Alaska and Hawaii and between Minneapolis-St. Paul, Denver, Phoenix, San Diego, Los Angeles-Long Beach and San Francisco-Oakland and Hawaii.

Pan American—Flights to the Orient from New York-Newark and Seattle-Tacoma, Portland, San Diego, Los Angeles-Long Beach and San Francisco-Oakland. Also, a new route from New York-Newark via Fairbanks, Alaska, to Japan to give Northwest its first competition on this route. For its South Pacific routes, Pan Am could now serve New York-Newark, Seattle-Tacoma, Portland and San Diego. San Diego also would be added as a Pan Am gateway to Hawaii.

Northwest—Flights from eight new mainland points to the Orient. The points are Boston, New York-Newark, Washington-Baltimore, Philadelphia, Cleveland, Detroit, Chicago and Minneapolis-St. Paul. Also service to Hawaii as part of the Orient route. Northwest also could carry local traffic from the mainland to Hawaii.

United—Nonstop service between Hawaii and 11 new mainland points: Boston, New York-Newark, Buffalo-Niagara Falls, Philadelphia, Pittsburgh, Washington-Baltimore, Cleveland, Detroit, Chicago, Kansas City and Denver.

Flying Tiger—A five-year certificate to carry mail and cargo only from 10 mainland points to Hawaii and from these points to the Orient.

[From the New York Times, Jan. 19, 1969]
PACIFIC AIR ROUTE AWARDS: PLUMS MAY PROVE BITTER

(By Robert E. Beddingfield)

The consensus of the airline industry on the Civil Aeronautics Board's decision last month in the Trans-Pacific route case is that the board made the wrong awards to the wrong people for the wrong reasons—and that the plums it sought to distribute might prove impossible to pluck.

That applies particularly to the international awards. The related domestic awards, announced earlier this month, were also criticized, but not so warmly. The C. A. B. invited anyone aggrieved to file protests by next Friday, and many acceptances of the invitation were predicted.

The criticisms were subdued. In a regulated industry the profits from saying out loud the regulators must be out of their minds are hard to come by. One of the few persons who seemed really pleased with the awards was Robert Six, president of Continental Airlines.

His company was given permission to operate between Chicago, Kansas City, Denver, Phoenix and Los Angeles to Honolulu and Hilo. In addition, it received the right to try to crack the near monopoly of Pan American and a three-line British alliance on air travel to Australia and New Zealand.

A ROSY VIEW

Mr. Six, almost alone, buys the C. A. B.'s rosy view of travel to the lands down under

and the islands in between. He said: "The traveler has been virtually every place except the South Pacific. He will love Australia and New Zealand, because the people speak English and like Americans."

Trans World Airlines, in the route decision, won its long-sought, around-the-world route. It had been restricted to stopping at Hong Kong. Even so, T. W. A. can cross the Pacific only by the longer route touching Hawaii and Okinawa, and is specifically forbidden to serve Tokyo. Moreover, it must use the lesser airports of Ontario and Long Beach in the Los Angeles area, rather than the Los Angeles International Airport.

One critic of the decision remarked: "The C. A. B. seems to have forgotten that it is still dragging its feet on letting T. W. A. land and take off from Ontario and Long Beach in another case."

Northwest was granted authority to add New York, Newark, Philadelphia, Washington's Dulles Airport, Cleveland, Detroit, Chicago, and Minneapolis-St. Paul, as mainland starting points for its Great Circle route via Anchorage, Alaska. It now has just Seattle and Tacoma. Feeder flights must start from satellite fields in both Los Angeles and San Francisco. It also was granted a Central Pacific route via Hawaii from the domestic points listed.

In the board's international route decisions—those have to be approved by the President, to make sure foreign relations are weighed in the decision—Braniff Airways was authorized to serve Hawaii, but only via Mexico City and Acapulco, from its domestic terminals at Miami, Atlanta, St. Louis, New Orleans, Dallas and Houston. In the subsequent domestic decision—where the C. A. B. has the last word—Braniff got a nonstop route to Hawaii from those terminals.

In the domestic phase of the findings, Continental and Western Air Lines were given routes between the mainland and Hawaii, and expansion of the existing United Airlines service was approved.

To show the confusion that can be created by the divided responsibility for decisions, American was granted a domestic mainland-Hawaii route, but only for passengers intending to go on to Japan—after President Johnson had vetoed the board's decision that American might fly to Japan.

The President said that allowing a third carrier to join Pan American and Northwest in competition for traffic on the Tokyo run "is not at this time in the national interest." The President did urge that American be allowed to serve Hawaii without restriction.

TWO TRIBUNALS

Two commissioners, John Crooker Jr., the chairman, and G. Joseph Minetti, urged that the restrictions be lifted, but the majority of the commission let the meaningless permission stand.

One surprise to the industry was the board's failure to give anything to Eastern Airlines, after the hearing examiner, Robert L. Park, had favored Eastern for the routes that were given instead to Continental.

When all the petitioners line up Friday to ask for changes—and even Mr. Six has some requests to make, happy as he professes himself to be—they will be, in reality, addressing two tribunals. The board itself can affirm or revise the domestic rulings; if the international decisions are changed, that will be the work of President Nixon.

It would set a precedent if President Nixon upset any such decision of a preceding President, but Wall Street observers feel such a precedent would be a healthy one.

"We aren't privy to what knowledge the State Department had," one analyst of airline securities said. "The Japanese had been put on notice that a third carrier might be allowed to fly to Japan. I don't blame the Japanese for kicking, but I don't see why the State Department had to simply cave in."

Other analysts agreed that not only Japan, but many other countries, have a favored line, like Japan Air Lines, which is looked upon as a quasi-government enterprise.

"If we are going to cave in every time a national airline wants to get tough," an industry spokesman said, "it will be hard on the privately owned United States airlines, because they can all get tough if it pays off." Aviation Week & Space Technology, a trade publication, made the same point, that the conflict between the C. A. B.'s mandate to foster air commerce and the State Department's concern for "public service as a tool of diplomacy" could only interrupt healthy route expansions in other areas.

PUBLICATION QUOTED

The favors shown Braniff and Continental were considered in both the industry and in Wall Street to be politically inspired. Airline Newsletter, a publication circulated among airline executives, observed: "As expected, President Johnson seems to have made an effort to reward his friends, or to appear to have done so."

"It was obviously a political decision," a bank analyst said. "Continental and Braniff, handling military traffic, did everything they could to butter up the Government. We were surprised that they weren't favored over Eastern in the examiner's report as well as in the decision."

As far as Continental's new routes to the South Seas and Micronesia are concerned, financial circles generally contend that the harvest Mr. Six expects is a long way off, notwithstanding the C. A. B.'s rosy estimates of potential increased traffic. Moreover, some analysts pointed out, Continental still doesn't have landing rights, and those can take a long time to get.

It is believed that obtaining landing rights, particularly in the Philippines and Japan, may prove troublesome in the case of Flying Tiger. In approving the C. A. B.'s decision to grant this all-cargo carrier a route between the United States mainland and the Orient, President Johnson said he had "serious reservation concerning the advisability of the award."

He said he would allow the board's decision to stand, since the route would be experimental, on a non-subsidy basis and limited to a five-year period. For years the Philippines have severely restricted Pan American and Northwest, both of which now serve the islands.

In the South Pacific, meanwhile, there were less than 200,000 trips from the United States in 1967, and this included Australia and New Zealand. Competing for the business were Pan American, Qantas (the Australian-owned line), Air New Zealand, British Overseas Airways, UTA (an affiliate of Air France) and a Canadian line.

REQUESTS CUT

When Pan American asked permission to make 12 flights a week to Australia instead of seven, and six a week to New Zealand instead of three, it was held to nine and four a week respectively. Now Continental will further divide the available traffic.

When Examiner Park made his report on trans-Pacific routings, he estimated that in 1970 the total United States-Orient market would be between 1.4 million and 1.5 million trips. The board, in remarks with its decisions, raised the 1970 estimate to 1.6 million passages, citing "more recent data." Industry spokesmen generally said they could not imagine what those data might be.

The C. A. B. observed that traffic to the Orient from the Pacific Northwest and California had been growing in recent years at about 20 per cent a year and intimated that this rate of growth was expected to continue.

One industry source commented that while traffic had been growing at a rate of 19 per cent a year for several years ended in 1967, the 1967-68 growth was less than 10 per cent

from the larger base created by previous increases.

As part of the justification for feeding new competition into the Pacific market, the board cited the persistent high fares, which, it said, Pan American and Northwest had shown little indication to reduce.

The fares are high. One way from New York to New Zealand for \$610, and \$1,172-round trip, are not calculated to lure the 21-day vacation trade. Neither are \$479 one-way, \$922 round-trip to Tokyo—and that's in the off season. Peak fares are \$499 one-way and \$960 round-trip.

Analysts point out that reducing fares on international routes is not something that can be done by the United States airlines, with or without C. A. B. urging. Such fares are set by consultations of the members of the International Air Transport Association, and the I.A.T.A. of late has been more eager to raise fares than to lower them.

[From the Washington Post, Jan. 20, 1969]
AIRLINE STORM RUMBLING OVER PACIFIC ROUTE DECISIONS

(By Richard Halloran)

A flock of disgruntled airlines, including some of the most powerful, are trying to blow the controversial Transpacific air route case wide open.

Resentment is rumbling among the carriers over recent Civil Aeronautics Board and Presidential decisions and what the carriers consider the politics-ridden, sloppy way in which the case was handled.

Spokesmen for the airlines have been cautious and circumspect in public statements but privately they make clear their dissatisfactions and their intent to have the decisions overturned if they possibly can.

The Johnson Administration tried hard to have the case neatly settled before it left office but instead will be leaving the incoming Administration a problem that could confront it with some painful decisions during its early days.

INFLUENCE LINGERS

The outgoing Administration, however, will have considerable lingering influence. CAB Chairman John Crooker, reappointed chairman by President Johnson on Dec. 31 for a one-year term, is not expected to resign his post on Jan. 20.

Crooker, a Houston lawyer, has been a longtime personal friend and campaign fund raiser for President Johnson.

CAB sources said Crooker plans to stay on at least until the Transpacific case is concluded, possibly for the entire year. Although protocol usually requires the chairman of a regulatory commission to resign with the change of Administration, some former CAB chairmen have set a precedent of not resigning.

President-elect Nixon, according to his aides, is quite aware of the timing and scope of the controversy. But they doubt the new President will insert himself into it and will concern himself with it only if it comes to him for a decision.

Airline industry sources, however, said a "common effort" is being made to get the new President to look at the case. CAB officials said the new President will have every right to review its international aspects because the international and domestic route patterns are so closely interrelated, as the CAB has pointed out repeatedly, this could bring Nixon's influence into the domestic portion.

At issue is a vast new pattern of lucrative airline routes from America throughout the Pacific islands to the Orient and Australia. Once the pattern is set, it is not likely to be changed much for many years.

Thus, the route case is important not only now but far into the future when Transpacific travel increases with bigger, faster

jets and more affluent travelers who want to range farther from home.

The Transpacific case is unusual, beyond its size and complexity, because the CAB and President Johnson have left an opening that gives dissatisfied carriers a point of attack.

APPARENT SLIPUP

In an apparent slipup between the Board and the White House, decisions on American Airline's routes were left unresolved when the case rulings were made public.

The immediate problem started on Nov. 18, when the CAB recommended to President Johnson that American's * * * part of an overall revision of trans-Pacific routes.

The CAB, insiders, say, was reasonably sure the President would approve because at least six of his former aides are now associated with American. Moreover, Secretary of Commerce C. R. Smith is a former president of American.

The Japanese, however, protested strongly to the State Department that Japan did not favor having another U.S. airline besides Pan American and Northwest flying to Tokyo.

The Japanese government, which owns controlling interest in Japan Air Lines, did not want more competition for JAL. The Transpacific route is by far JAL's biggest money-maker and, in effect, subsidizes other routes flown for prestige by the Japanese flag carrier.

President Johnson, in a letter dated Dec. 17, told the CAB that "foreign policy considerations" caused him to disapprove the route award to American.

CAUGHT BY SURPRISE

The CAB, caught by surprise, published its rulings on the international portions of the case Dec. 19. It withheld its findings on the domestic phase, primarily the coveted routes to Hawaii, until it could consider revisions forced by the President's disapproval of American's Tokyo route.

CAB originally recommended that American be permitted to fly to Hawaii and on to Tokyo but not to Hawaii and turnaround back to the mainland.

The President's action meant that American could get to Hawaii but couldn't fly back.

CAB's withholding its domestic route rulings, however, touched off a roar among the carriers. Delta, Western, and National, later backed partially by Eastern, demanded that the CAB release its domestic findings immediately.

They contended that everyone should know all of the findings before they could decide what appeals for reconsideration they could make to the Board. This, in turn, touched off an argument within the Board.

LEFT UP IN AIR

Chairman Crocker and member G. Joseph Minetti argued that the American route question should be settled before the domestic findings were published. But they lost and the Board voted to issue domestic decisions Jan. 4, leaving American still up in the air.

CAB also set Jan. 24, four days after Mr. Nixon's inauguration, as the deadline for receiving petitions for reconsideration in both the international and domestic phases of the case. For 10 days after that, the Board will receive counter-arguments and then make its decision.

The CAB is confronted with at least four alternatives, with pressures coming from all over to rejigger the whole route pattern it has established.

One is simply to take away American's Hawaii route altogether and rule the case closed. A second would give American the right to fly to Hawaii and back to the mainland.

MORE TROUBLESOME

The two others are more troublesome for the Board. It could give the American route

to another carrier that already has rights to fly through Hawaii to the Orient. Or it could retain American's right to fly to Hawaii but designate another terminal in the Pacific to which it must fly before turning around.

No matter what the CAB rules, it may be faced with a * * * test * * * in a ruling that is the Board's exclusive jurisdiction.

The President has complete and final say over international routes. The Board can only recommend. But the President has no authority over domestic awards.

When he disapproved CAB's recommendation on American's Tokyo route, the President said in the letter to Chairman Crocker: "I hope the Board will give consideration to amending the domestic award to American Airlines so as to enable it to serve Hawaii without long-haul restrictions."

Some carriers, privately, contend that the President's statement can be construed as interference in the Board's business. Crocker was obviously embarrassed by it and took pains to divert charges of interference.

In a dissent to issuing the domestic phase rulings, in which he was joined by Minetti, they said: "We are fully cognizant of the line of demarcation between the President's responsibilities and the Board's . . . in the area of interstate air transportation, it is exclusively the Board's . . . we do not regard the President's request for further consideration of American's mainland-Hawaii route as an attempt on his part to enter into the area of our statutory jurisdiction."

OPEN TO ACCUSATIONS

American is also in a ticklish position, for if the Board now gives it a Hawaii route, it will be open to accusations of Presidential favoritism. A spokesman for the airline declined any comment on that point.

The Transportation case, clearly the largest before the CAB in two decades, opened in February, 1967 with hearings before examiner Robert L. Park. Before Park concluded the hearings in June that year, 433 questions submitted testimony, 18 airlines asked for routes, dozens of municipal authorities and other interested parties presented their points of view.

Park's recommendations to the CAB were, in the main, that:

Trans World Airlines became the second U.S. round-the-world carrier, extending its service from the U.S. through Hawaii and Guam to Tokyo and then to join up with its Southeast Asia service in Hong Kong.

Eastern Airlines be put into competition with Pan American in the South Pacific, flying from 11 Eastern and Midwestern cities to Hawaii without passing through the California gateways. Eastern would be permitted to fly beyond Hawaii to Tahiti, Samoa, Fiji, New Zealand, and Australia.

Pan American, serving the Orient through Hawaii, be given a great circle route through Alaska to Japan. Northwest, flying to Japan over the great circle, would be granted a Hawaii-Central Pacific route to Asia. These awards would put the two carriers in direct competition.

United Airlines, already flying the California-Hawaii route, be given 12 Eastern and Midwestern cities from which it could fly to Hawaii non-stop. Western Airlines would get two new routes to Hawaii from Western cities and from Anchorage, Alaska.

The CAB, while accepting many of Park's basic principles for a new route pattern, drastically revised his recommended carriers. The major changes included:

Taking TWA out of Tokyo and giving it a route from Hong Kong through Taiwan and Okinawa to Guam and Hawaii—a route the Board admitted is weak. One member called it anemic. The Hawaii-Japan segment, the most profitable in the Pacific, was given to American, represented by President Johnson's ex-aides.

Taking the South Pacific route from Eastern and giving it to Continental, a line

in which former presidential press secretary Pierre Salinger once served as a vice president. The Board also overruled Park's recommendation that Eastern serve Hawaii through Mexico City. It gave that route to Braniff, which has headquarters in President Johnson's home state of Texas, even though Braniff had not actively argued that it wanted the route.

Former White House aides Walter Jenkins and Ivan Sinclair are now executives with Braniff.

Taking away from Pan American the additional West Coast gateway cities that the examiner recommended to make it more competitive with Northwest. But the Board retained the recommendation that Northwest, which has headquarters in Vice President Humphrey's home town of Minneapolis, be given additional interior cities from which to fly to the Orient.

The Board's deliberations over Park's recommendations are not on the public record. But some clues about the arguments can be gleaned from the dissents attached to the CAB's findings.

TWO CONCUR TOTALLY

Only Crocker and Minetti concurred totally in the final result. Vice Chairman Robert T. Murphy criticized the elimination of TWA from Tokyo, the principal traffic point in the Orient, and pointed out that the route pattern has three carriers flying from Hawaii to Guam and Okinawa.

John G. Adams agreed with Murphy, contending that TWA's experience in Asia made it a more logical choice for Tokyo. But he agreed with the majority in the selection of Continental over Eastern for the South Pacific route.

Whitney Gilliland dissented from the entire decision. He would have chosen Eastern over Continental for part of the Hawaii route. More important, he said, he did not agree with the increase in number of carriers and argued that the same services could have been achieved without breaking up the routes among carriers.

After the CAB recommendations went to President Johnson, the White House intended to have its decisions out in time to close the case before the new Administration took over.

But there was a miscalculation. Christmas and New Year's Day do not count in the 30 days for reconsideration, which spilled the case over into the Nixon Administration. The uproar over splitting the domestic and international decisions and the sudden move to repair that threw the case even further into the new Administration.

Most airlines will wait until the Jan. 24 deadline to file their petitions for reconsideration. But many have already given indications of what they plan to do.

American says it will definitely ask that the confusion over its Hawaii run be resolved. A spokesman said it has not decided whether to ask the Board to recommend a new ruling on the Hawaii-Japan segment to the new President.

TWA says it has not decided whether to file a petition. But a spokesman said that with President Nixon having a shot at the question, they find the situation "interesting."

TO ASK RECONSIDERATION

Delta which got nothing, says it will ask for reconsideration on the domestic phase, to Hawaii, and possibly in the international, to Japan, which it originally wanted.

Eastern, which also got nothing, will petition for reconsideration on both phases, hoping to get into Hawaii and on to the South Pacific.

Pan American says it will definitely appeal the domestic decision, seeking authority to fly from interior U.S. cities to Hawaii and beyond, as Northwest will be permitted to do.

It may also seek reconsideration on the international phase.

Northwest says it is satisfied and probably will not petition on the international routes but hasn't decided on the domestic phase.

United spokesmen had no comment on their plans.

Braniff says it is "extremely pleased" but has not decided whether to appeal for more. Continental also said it is "very pleased" but will ask for more terminal cities on the mainland from which to fly to Hawaii and the South Pacific.

Western appeared happiest of all. It put out a press release last week saying it was "elated" with its awards.

[From the Washington Post, Jan. 23, 1969]

NIXON LOOKING AT AIRLINES' HIRING OF INFLUENTIAL GOVERNMENT AIDES

(By Rowland Evans and Robert Novak)

Clouds of suspicion overhanging the half-billion-dollar Transpacific air route case will increase if the aide to former President Johnson who worked on the case becomes, as now seems probable, Washington lawyer for an airline that benefited from the case.

W. DeVier Pierson, Mr. Johnson's staffer in the stormy case, is a well-regarded young Oklahoman with a spotless record as assistant White House counsel. He would not be breaking any conflict-of-interest statute by working for the airline, and the ethical considerations are foggy.

Yet, a regulator quickly joining the well-paid ranks of the regulated typifies the syndrome of regulated industries generally and the aviation industry in particular. Depending on favorable Government decisions for their very survival, airlines hire men of political influence—"rainmakers" in the industry's jargon.

Coincidence or not, companies with the heaviest concentration of rainmakers won handsome prizes in the Transpacific case.

Thus, weeks before his inauguration, President Nixon was looking quietly and closely at not only the Transpacific case (which he must now review), but also at the whole regulatory process and its rainmaker syndrome.

At stake in that case are new air routes to Hawaii and beyond to the Orient worth \$500 million in annual revenue. In an industry where more companies are ailing than healthy, the Transpacific case's final outcome could mean life or death to some airlines. Since the case opened June 15, 1965, airline payrolls have been loaded with rainmakers.

Indeed, the industry late last year was reaching into the White House so deeply that some key aides barred themselves from reviewing international aspects of the Civil Aeronautics Board's (CAB) decision—the President's constitutional responsibility in the case.

Joseph Califano, Mr. Johnson's general handyman, disqualified himself because he was joining a law firm representing Braniff International in Washington. So did White House Counsel Harry McPherson, who is joining a Washington law firm representing Northwest Airlines. The job was handled entirely by McPherson's deputy: DeVier Pierson.

By the fall of 1968, prior to Mr. Johnson's decision in the Transpacific case, airlines were also eyeing Pierson for post-Government legal service. But, Pierson told us, he refused to talk to anybody until after President Johnson's decisions were announced Dec. 19.

Since then, he has been sounded out by Continental Airlines, which fared very well indeed in the Transpacific case. However, he is more likely to join a Washington law firm representing Trans World Airlines (which did fairly well in the case) and handle the TWA account there. Pierson told us he would not represent any airline in connection with the Transpacific case, which is

prohibited by law anyway, but did not forever bar himself from doing airline business in private life.

Here, then, is a delicate conflict-of-interest question. If Pierson does now represent TWA, his work in the White House on the Transpacific case will be considered suspect, probably unfairly. Moreover, if the Transpacific case is reopened by Mr. Nixon, there will be whispered questions about whether Pierson as TWA's Washington counsel is completely keeping out of intrafirm discussions of this vital case.

Actually Califano, McPherson, and Pierson are the more being suspect of the rainmaker syndrome. Most airlines seek out political operators. The airlines with the highest percentage of such rainmakers—Braniff, Continental, and American—won highly lucrative routes from the highly political CAB. These three airlines had been given absolutely nothing in new routes by the CAB examiner's recommendation made after months of hearings and deliberations.

The CAB increased Braniff's route mileage by 200 per cent in the Transpacific case and the concurrent Caribbean-South America case. LBJ cronies Troy Post and Jimmy Ling control Braniff; the company's payrolls include LBJ insiders Walter Jenkins and Cliff Carter.

The list of rainmakers for other airlines benefiting from the CAB decision after being ignored by the examiner reads like a who's who of the Great Society. LBJ intimate Warren Woodward is a vice president of American; ex-Johnson aide Horace Busby and Jake Jacobsen are on American's payroll. Continental is represented in Washington by Secretary of Defense Clark Clifford's law firm; LBJ insider Lloyd Hand is closely connected with Continental.

These Democratic rainmakers may well be considerably less effective in Mr. Nixon's Washington, but politically astute airline companies have Republican rainmakers as well. That's one reason why Mr. Nixon, as he considers his inherited Transpacific mess, may decide the whole potentially corruptive system needs immediate reform.

DELAYS AT WASHINGTON NATIONAL AIRPORT

Mr. SPONG. Mr. President, according to the Washington Post this morning, the former Vice President, Mr. Humphrey, was delayed 3 hours leaving Washington National Airport Tuesday. As a result, he had to cancel some of his schedule in Cleveland so he would not be late for a speaking engagement.

The experience prompted Mr. Humphrey to describe the situation at Washington National as almost intolerable. He told a Cleveland press conference, according to the Post, that the airport here is trying to do a job too large for its size and facilities. The news report says Mr. Humphrey said something would have to be done to move more traffic to Dulles International Airport. He said he thought it was a shame that Dulles, which represents a great investment of taxpayers' dollars, was used so little.

Mr. President, while I regret any inconvenience Mr. Humphrey may have experienced, I am pleased that he has called attention again to the congestion that exists at National Airport and the need to shift a greater amount of National's traffic to Dulles.

Approximately 18 months ago the Civil Aeronautics Board initiated an investigation of congestion at Washington National to determine whether a greater use of the airports in the Washington

area, including Dulles and Friendship, would help relieve the situation. I testified at the opening session to urge CAB action to bring about a greater use of Dulles. There was hope in the beginning that the CAB could bring about an informal agreement among the airlines to shift some of their flights to Dulles, but that has not come to pass. It now appears that if this investigation is to produce any meaningful results, the CAB will have to hold time-consuming, formal hearings before amending any existing airline certificates to require that service to Washington be furnished through Dulles.

Many Senators will recall the congested conditions at major airports in the eastern portion of the Nation last summer. That situation prompted the Federal Aviation Administration to propose rules to curtail use of certain designated high-density airports, including Washington National. I appeared at the FAA hearing, too, with the suggestion that greater use of Dulles would help relieve some of the problem at National. The FAA's proposed regulations have created a considerable controversy and there has been no positive action on the National situation from this quarter to date.

I have said repeatedly that the existence of the two federally owned airports in the vicinity of the Nation's Capital with such an imbalance of traffic as there is between National and Dulles defies any logical explanation. The most recent figures available show that more than 9 million passengers utilized National during the first 11 months of 1968 compared with only 1.6 million at Dulles.

Mr. President, again I regret the delay Mr. Humphrey experienced. I regret delay for any air traveler. Congestion at airports is a growing national problem, but there is less excuse for it here than perhaps at any other major city, and I hope the responsible Federal agencies will find a prompt solution to this intolerable situation.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SPOTLIGHT ON SENATOR MARGARET CHASE SMITH

Mr. AIKEN. Mr. President, I hold in my hand a small, attractive magazine called "City East, a Magazine for New Yorkers."

One section of this magazine is called "Senatorial Spotlight." This month it features a biography—or a little more than a biography, a very complimentary article—on Senator MARGARET CHASE SMITH, of Maine. I ask unanimous consent that the article entitled "Senatorial Spotlight," written by George Douth, and published in City East for January 1969, be printed in the RECORD.

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

SENATORIAL SPOTLIGHT

(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 traveled 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 Reservists 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 she professionals call "psychic 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 urged emphasis on priority for research and development because she is convinced that the foremost power and leadership will be achieved not by 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 a 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 cents each.) For years Mrs. Smith wore suits on the floor of Congress so as not to over-emphasize 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 Russia might have caused former Soviet Premier Nikita S. Khrushchev 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 the 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.

ORDERS FOR RECESS UNTIL 12 O'CLOCK NOON TOMORROW, 12 O'CLOCK NOON MONDAY, JANUARY 27, AND 12 O'CLOCK NOON TUESDAY, JANUARY 28, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

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

Mr. MANSFIELD. I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 12 o'clock noon Monday next.

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

Mr. MANSFIELD. And that when the Senate completes its business on Monday, it stand in recess until 12 o'clock noon Tuesday next.

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

RECESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 33 minutes p.m.) the Senate took a recess until tomorrow, Friday, January 24, 1969, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate January 23 (legislative day of January 10), 1969:

DEPARTMENT OF THE TREASURY

Charles E. Walker, of Connecticut, to be Under Secretary of the Treasury.

Paul A. Volcker, of New Jersey, to be Under Secretary of the Treasury for Monetary Affairs.

DEPARTMENT OF DEFENSE

Barry James Shillito, of Ohio, to be an Assistant Secretary of Defense.

U.S. INFORMATION AGENCY

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

CONFIRMATIONS

Executive nominations confirmed by the Senate, January 23 (legislative day of January 10), 1969:

DEPARTMENT OF STATE

Elliot L. Richardson, of Massachusetts, to be Under Secretary of State.

Richard F. Pedersen, of California, to be Counselor of the Department of State.

COMMODITY CREDIT CORPORATION

The following-named persons to be members of the Board of Directors of the Commodity Credit Corporation:

J. Phil Campbell, of Georgia.
Clarence D. Palmby, of Virginia.

DEPARTMENT OF THE INTERIOR

Walter J. Hickey, of Alaska to be Secretary of the Interior.

DEPARTMENT OF THE TREASURY

Charles E. Walker, of Connecticut, to be Under Secretary of the Treasury.

Paul A. Volcker, of New Jersey, to be Under Secretary of the Treasury for Monetary Affairs.

DEPARTMENT OF DEFENSE

David Packard, of California, to be Deputy Secretary of Defense.

WITHDRAWALS

Executive nominations withdrawn from the Senate January 23 (legislative day of January 10), 1969:

INDIAN CLAIMS COMMISSION

Theodore R. McKeldin, of Maryland, to be a Commissioner of the Indian Claims Commission, which was sent to the Senate on January 9, 1969.

U.S. CIRCUIT JUDGE

Harold Barefoot Sanders, Jr., of Texas, to be U.S. circuit judge, District of Columbia Circuit, vice Charles Fahy, retired, which was sent to the Senate on January 9, 1969.

U.S. DISTRICT JUDGES

David G. Bress, of the District of Columbia, to be U.S. district judge for the District of Columbia, vice Joseph C. McGarraghay, retired, which was sent to the Senate on January 9, 1969.

Cecil F. Poole, of California, to be U.S. district judge for the northern district of California, which was sent to the Senate on January 9, 1969.

William M. Byrne, Jr., of California, to be U.S. district judge for the central district of California, vice Pelron M. Hall, retired, which was sent to the Senate on January 9, 1969.

DISTRICT COURT OF GUAM

James P. Alger, of Utah, to be judge of the District Court of Guam for the term of 8 years, vice Paul D. Shriver, resigning, which was sent to the Senate on January 9, 1969.

COMMISSION ON CIVIL RIGHTS

Hector P. Garcia, of Texas, to be a member of the Commission on Civil Rights, which was sent to the Senate on January 9, 1969.

LAW ENFORCEMENT ASSISTANCE

Patrick V. Murphy, of New York, to be Administrator of Law Enforcement Assistance, which was sent to the Senate on January 9, 1969.

Wesley A. Pomeroy, of California, to be an Associate Administrator of Law Enforcement Assistance, which was sent to the Senate on January 9, 1969.

Ralph G. H. Siu, of Hawaii, to be an Associate Administrator of Law Enforcement Assistance, which was sent to the Senate on January 9, 1969.

BOARD OF PAROLE

Emory P. Roberts, of Maryland, to be a member of the Board of Parole for the term expiring September 30, 1974, vice James A. Carr, Jr., which was sent to the Senate on January 16, 1969.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

William Hill Brown III, of Pennsylvania, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1973, which was sent to the Senate on January 9, 1969.

DIPLOMATIC AND FOREIGN SERVICE

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of class 1, to be Ambassador

Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea, which was sent to the Senate on January 9, 1969.

Robert W. Komer, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkey, which was sent to the Senate on January 9, 1969.

POSTMASTERS

All the postmaster nominations still pending in the Senate which were submitted to the Senate since the 91st Congress convened and prior to January 21, 1969.

EXTENSIONS OF REMARKS

CONSUMER EDUCATION IN THE SCHOOLS

HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, January 23, 1969

Mr. TYDINGS. Mr. President, the District of Columbia school system, in cooperation with the neighborhood legal services program of the Office of Economic Opportunity, is innovating a consumer education program which I feel should serve as an example to be followed by other communities across the Nation.

The basis of the program is a law course being offered to the elementary and junior high students in the 30 schools in the District. The course, "You and the Law—Rights and Responsibilities," is designed to teach youngsters the rudiments of the law so that they will know when creditors are taking advantage of them. The children, in turn, will have sufficient background in credit buying to be able to give advice when their parents purchase goods on credit.

An article describing the program appeared in the January 7 edition of the Washington, D.C. News. I would like to share it with my colleagues, and therefore ask unanimous consent that it be printed in the RECORD.

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

CHILDREN TO LEARN LAW TO HELP PARENTS

D.C. schools and Neighborhood Legal Services will try to keep Washington parents from being gyped in credit buying and home purchases by giving their children a basic course in law.

Lawyers and school officials hope the 1,500 elementary and junior high students in 30 schools who take the "You and the Law—Rights and Responsibilities" course will remember what they have learned when their parents decide to buy a house or a car. Juvenile and family law as well as Constitutional safeguards also will be covered.

The law program is scheduled to start in February and March with Neighborhood Legal Services lawyers supervising what is to be taught.

Beginning today teachers are undergoing two days of orientation for the course.

A similar program has been carried on informally for three years in 11 Southeast sixth grade classes by Dr. Katherine Nutterville, an 80-year-old VISTA volunteer assigned to Neighborhood Legal Services.

The expanded law course has no specific curriculum, said Mrs. Irene Rich, program coordinator. If it is successful, parents, teachers and students may write a permanent curriculum over the summer, she said.

Under the pilot program, each class will pick a problem people in its neighborhood will face and learn how to solve it. "For example it might be how to buy a television," Mrs. Rich said.

The 30 schools carrying the program in-

clude two from the affluent area west of Rock Creek Park.

CONGRESSMAN OTTINGER DISCUSSES "CHALLENGE FOR TODAY: A LIVABLE CITY"

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 22, 1969

Mr. DULSKI. Mr. Speaker, the first anniversary meeting of the New York State Association of City Councils was held last weekend in my home city of Buffalo, N.Y.

As a former member of Buffalo's common council, I am well acquainted with the problems faced by our cities today, and I am very much interested in the success of this organization. Together, through this organization, members of the city council of our cities in the Empire State may be able to help each other and, at the same time, to work collectively to deal with these problems.

The new State association is restricted to cities outside Metropolitan New York City of 30,000 or more population.

One of the main speakers at the Buffalo meeting was my colleague, the gentleman from New York (Mr. OTTINGER). Following is the text of his remarks:

CHALLENGE FOR TODAY: A "LIVABLE" CITY (Address by Congressman RICHARD L. OTTINGER before the New York State Association of City Councils, Buffalo, N.Y., January 17, 1969)

I am pleased and honored to join with you at this first anniversary meeting of the New York State Association of City Councils. Your membership has one of the most challenging—and, potentially, one of the most legislative responsibilities in the country today.

The formation of this Association is a welcome advance toward strengthening the role of local officials in meeting the great new challenges of urban—and suburban—America today.

The constituency you represent now comprises the overwhelming majority of our people—and our national problems. To a very great extent, the future of this country is going to depend on our effectiveness in resolving these problems and creating a livable and economically stable economy.

It is my conviction that an essential ingredient in any resolution will be to strengthen and enlarge the powers and the responsibilities of the people who are most responsive to the needs of our urban population, the local officials. This is the reason that I am so enthusiastic about the formation of this Association and the role it can play.

Let's take a simple problem: transportation. If the metropolitan complex is going to work it needs a fast, efficient system for moving people around.

A modern highway system is essential to a strong and growing national economy, but experience and reason both combine to prove that automobiles and highways aren't the answer to the city's transportation problem.

I am reminded of a remark that New York Traffic Commissioner Wylie made at his final press conference upon his retirement. He was asked whether he had any answer to Manhattan's traffic congestion. He thought for a while and then said, yes, he did, and he thought maybe it was the only answer. "Make all the north-south streets one way going north and in 24 hours it would be Westchester's problem."

As a Westchester representative, I can't say I'm too enthusiastic about that idea, but I do recognize a strong element of truth in it.

The answer to urban and suburban traffic congestion is to get the cars off the city streets and the only way to do that is to offer people a better way to get around.

Every local official recognizes this and would give high priority to mass transit if he could.

But the local official has relatively little power under the present system and is dependent upon the mercies of the state.

In 1967, we New Yorkers authorized a \$2½ billion transportation bond issue which was to be the panacea for our transportation problems. Today, two years later, we've made virtually no progress, and what we have done has been going in the wrong direction.

Of the \$523 million in bonds and notes that have been issued, 90 per cent has gone for new highways. Barely 10 per cent has been committed to the kind of mass transportation that is really needed by the new urban suburban civilization we live in today, and almost all of that has gone to make up the deficit without improving service on the fast deteriorating Long Island Railroad.

From every corner of the State, citizens are protesting against the deprivations of new highways. Here in Buffalo, it is the Kenmore Expressway. In my own district, it is the Hudson River Expressway. I know there are citizens who have a suspicion that the State's answer to difficult problems is to pave them! But the State officials who have the authority are not listening, are not responsive to the real needs.

This attitude that "big brother knows best" is reflected in almost every State program affecting our cities.

In 1968, Governor Rockefeller introduced his proposal for dealing with the problem of our inner cities. What he called for was not a program of State aid to help our cities act to resolve their own individual and unique core city problems. No. He called for an Urban Development Corporation with the power to condemn private or municipal property and then build what ever the corporation thinks is a necessary project for the city. Of course, local officials can participate in hearings and present plans, modifications and alternatives, but any of you who have participated in Transportation Department hearings know how effective that is.

We are trying to approach the problems of the new urban-suburban society with governmental tools designed for a world we have left behind. The answer is not to grant unlimited powers to the State. The State must be held to strict standards which will assure full participation in planning and execution of projects to the officials who are directly responsive to the people who make up our new social structure; to give a meaningful say to the mayors and managers, the councilmen, aldermen and supervisors—and through adequate hearing provisions, to the people affected. There must also be adequate pro-