SENATE—*Friday, September 26, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

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

Almighty God, whose kingdom is everlasting and whose power is infinite, in whose will is the destiny of nations, look upon this good land which Thou hast given us, and so rule the hearts of Thy servants, the President of the United States, all members of the executive, legislative, and judicial branches, and all in the diplomatic and military services, that they, knowing whose servants they are, may above all things seek Thy honor and glory; and grant that the people, mindful of the burdens of office and the problems to be resolved, may give them their confidence and sustaining prayers. Grant them grace fearlessly to contend against evil, to make no peace with oppression or injustice. Grant that they may reverently use our freedom for the strengthening of this Nation, the establishment of peace between the nations, and betterment of all mankind.

In Thy holy name. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 25, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4152) to authorize appropriations for certain maritime programs of the Department of Commerce.

The message also announced that the House had passed a bill (H.R. 12884) to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12884) to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes, was read twice by its title and referred to the Committee on Post Office and Civil Service.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the conclusion of the morning business, the Senate proceed to the unfinished business.

The PRESIDENT pro tempore. The unanimous-consent request is that at the conclusion of the morning business, the business coming over from the previous day be laid down. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar beginning with the General Accounting Office.

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

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, beginning with the General Accounting Office.

GENERAL ACCOUNTING OFFICE

The bill clerk read the nomination of Robert F. Keller, of Maryland, to be Assistant Comptroller General of the United States.

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

RENEGOTIATION BOARD

The bill clerk read the nomination of Daniel Eldred Rinehart, of Maryland, to be a member of the Renegotiation Board.

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The bill clerk read the nomination of Eugene A. Gulledge, of North Carolina, to be an Assistant Secretary of Housing and Urban Development.

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

U.S. AIR FORCE

The bill clerk proceeded to read sundry nominations in the U.S. Air Force.

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

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

U.S. ARMY

The bill clerk proceeded to read sundry nominations in the U.S. Army.

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

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

U.S. NAVY

The bill clerk proceeded to read sundry nominations in the U.S. Navy.

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

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

U.S. MARINE CORPS

The bill clerk proceeded to read sundry nominations in the U.S. Marine Corps.

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

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—AIR FORCE, ARMY, NAVY, AND MARINE CORPS

The bill clerk proceeded to read sundry nominations in the Air Force, the Army, the Navy, and the Marine Corps which had been placed on the Secretary's desk.

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

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

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

LEGISLATIVE SESSION

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

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

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 210

Mr. McCLELLAN. Mr. President, I am today submitting an amendment, intended to be proposed by me, to the bill (H.R. 13270) to reform the income tax laws, which would remove from that bill all attempts, directly or indirectly, to impose a Federal tax on interest paid by State and local governments on their obligations.

The House bill provides—

First. Tax-exempt State and local government bond interest would be included in the limit on tax preferences, which means that such income would, under certain circumstances, be subjected to direct Federal tax.

Second. Personal Federal income tax deductions would be required to be allocated between taxable income and nontaxable income—including exempt State and local government bond interest. Deductions allocable to all nontaxable income would be disallowed.

Third. In an attempt to remedy the devastating economic impact of these provisions, the bill grants to States and localities the option of subjecting the interest on their obligations to Federal tax, in which case the higher interest cost would be offset by the Federal Government paying a percentage of the total interest cost of the issue as a subsidy.

In testimony before the Finance Committee, the Treasury Department—

First, opposed inclusion of the exempt bond interest in the limit on tax preferences;

Second, supported the allocation of personal deductions between taxable and tax exempt income—including exempt bond interest; and

Third, opposed the Federal subsidy.

I am unalterably opposed to any attempt by the Federal Government to tax, directly or indirectly, interest on State and local obligations, and I am confident that some of my Senate colleagues share this view. The dual sovereignty of State and local governments on the one hand and the Federal Government on the other has been one of the cornerstones of our system of government. The immunity of State and local governments and their agencies from Federal taxation is vital to the preservation of this dual sovereignty. This system would be severely challenged if the Federal Government destroyed the preferential character of State and local debts or exercised control of local policymaking by the selective taxation of certain categories of municipal bonds.

In opposing the House attempt to include tax-exempt interest in the limit on tax preferences, the Treasury Department quite properly gave recognition to the serious constitutional question involved. The only attempt by the Federal Government to tax interest paid by States and their subdivisions was declared unconstitutional nearly 74 years ago by the Supreme Court in *Pollock* v. *Farmers' Loan & Trust Co.*, 157 U.S. 429 (1895). If, despite prior judicial consideration of this question, Congress insists on imposing a direct tax on this interest, there is no question in my mind that the bond market will be thrown into a state of absolute chaos for the long period of time which would elapse while the constitutional question can again be litigated and finally decided.

The House bill attempts to remedy the devastating economic impact which taxation of interest would have on the States by proposing a Federal subsidy to offset the higher interest cost. I am opposed to the use of a subsidy in this area. I agree with the Treasury Department on this point. No Congress by its actions can bind future Congresses. New administrations and new Congresses could well conclude that any number of other programs deserve priority at the expense of the Federal subsidy now being proposed. State and local governments, which are currently struggling desperately to fund needed capital projects, should not be subjected to this risk.

Even if one could accept the principle of a Federal subsidy, it is reasonable to ask whether such a subsidy would actually offset all of the higher interest cost. I have grave doubts as to whether such higher interest costs can be accurately determined for each locality affected. For example, the requirement for allocating—and therefore disallowing—a part of a taxpayer's personal deductions to exempt bond interest will require an individual with mixed taxable and tax exempt income to pay more taxes. An investor in municipal bonds will therefore presumably require a higher bond yield to offset his increased taxes.

The House bill provides maximum percentage limits on the amounts payable as subsidy by the Federal Government. Thus, even if the added interest cost could be accurately calculated, these limitations may effectively deny full and adequate compensation to the States. In this case the States would be required to make up any deficit.

I should also remind my colleagues that under the laws and constitutions of a great many States a ceiling is placed on the amount of interest the State and its subdivisions can pay with respect to their obligations. We are all well aware of how difficult and time consuming it is for a State to amend its laws and constitution. The delays in capital projects which would arise are totally unacceptable, particularly at this time when our urban areas are struggling for survival.

Finally, any attempt by Congress to tax interest on State and municipal bonds, either directly through the limit on tax preferences or indirectly through the allocation of deductions, will have an adverse psychological impact on their marketability. The increased interest rates will require that they compete with Federal Government obligations and corporate securities, the interest on which generally is taxable. Even at the same rates of interest, State and municipal bonds will be hard pressed to compete because of the smaller sizes of the issues and, sometimes, credit ratings.

In Arkansas the uncertainty arising from H.R. 13270 has already practically paralyzed all financing of public improvements for cities, counties, school, and improvement districts. Many essential projects have been either postponed or canceled. At least 20 Arkansas school districts have bond issues aggregating some $12.7 million ready for the market. All of these issues have been approved by the Arkansas State Department of Education—most of them since March of 1969. Many of these issues have been offered for sale, but there have been no bidders. Other offerings have been delayed because of the present chaotic market condition. The school district of North Little Rock, Ark., has been forced to obtain bank loans to meet existing contractual obligations on school buildings under construction. Just last March, the citizens of the school district of Little Rock, Ark., approved a $2½ million bond issue. The bonds have not been marketed because the prevailing interest rates are above the statutory ceiling in Arkansas. Also financial institutions are hesitant to purchase bonds because of the uncertainty arising from this proposed Federal tax legislation.

The city of Little Rock Airport improvements, the city of Little Rock Parking Authority, St. Francis County, city of Bald Knob, Forrest City improvement district, and Booneville improvement district have deferred bond offerings. Drew County, Ark., has attempted to sell a $900,000 bond issue to construct a county hospital. To date, there have been no bidders on this offering. A Federal grant, which has already been approved, amounting to $937,000 in matching funds hangs in the balance contingent on the outcome of the bonds being marketed. I am sure comparable conditions prevail in other States.

Postponement of essential improvements, such as are here involved, often results in increased costs to local school and governmental authorities. I am advised that because of market conditions, one school district in Arkansas decided to wait a year to market a sizable bond issue. After postponement, the cost of improvements had increased 34 percent. A similar situation will most likely confront those local school and governmental authorities who have been prevented from marketing bond issues this year.

Of course, there are many other instances in my State that I could cite where bond issues have been approved and the issuers are awaiting favorable conditions to market the bonds. However, the ones I have referred to are illustrative of the catastrophic situation which local and State officials face in obtaining financing for public improvements.

If the present tax exempt interest on obligations of State and local governments is removed, this means that, hereafter, States, municipalities, and school districts will have to pay a much higher interest rate on their securities. This will

compel a substantial increase in local taxation—especially a large increase in property and sales taxes—to meet this rising interest cost. It is obvious that this burden will be borne mostly by the low- and middle-income taxpayer.

In fact, I believe that the retroactive provisions of the House bill, as they relate to the tax exempt interest on State, school, and municipal bonds, are unconstitutional. Their enactment would constitute a breach of governmental integrity.

I therefore urge the Committee on Finance and all Members of the Senate to remove this most objectionable provision from the House bill and not to embark on a legislative course that is fraught with such harmful economic consequences.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment (No. 210) was referred to the Committee on Finance.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDENT pro tempore. The senior Senator from Ohio is recognized for 10 minutes.

WILL "JOHNSON'S WAR" BECOME "NIXON'S WAR"?

Mr. YOUNG of Ohio. Mr. President, could it be that President Nixon is ignorant of the fact that for thousands of years there was never a North Vietnam or a South Vietnam. Vietnam over the centuries was never divided into a North Vietnam and a South Vietnam. Historically, the Vietnamese have always been one people. As such they repelled aggression from the Mongols or Chinese many, many times over hundreds of years.

Together they were united seeking national liberation when the French, aided by our then Secretary of State John Foster Dulles, sought to reestablish their lush Indonesian empire. The dream of the French colonial oppressor, aided and abetted by the Secretary of State John Foster Dulles, ended on May 7, 1954, when the Vietminh, as the forces fighting for national liberation of Vietnam were then called, overran Dienbienphu, capturing 12,000 survivors of the French Foreign Legion. Following that, later in 1954, the French Republic withdrew 240,000 soldiers from Vietnam, Laos, and Cambodia.

Following this the Geneva accords of 1954 were agreed to by John Foster Dulles but not signed by our representatives. This definitely stated:

> The military demarcation line at the 17th parallel is provisional and should not in any way be considered as constituting a political or territorial boundary.

Is it possible that President Nixon is also ignorant of the fact that we Americans had Diem, our puppet President of the Saigon regime, call off the pledged elections to be held throughout all of Vietnam in 1956? President Eisenhower in his memoirs stated the election, provided for in the Geneva accords, was called off for the reason that Ho Chi Minh, regarded as the George Washington of Vietnam, would have received 80 percent of the votes of the Vietnamese people both north and south of the 17th parallel.

While I was in Vietnam on a factfinding mission as a member of the Armed Services Committee of the Senate, General Westmoreland stated to me that the bulk of the Vietcong fighting us Americans in Vietnam were born and reared in South Vietnam. Furthermore, Lt. Gen. Richard Stilwell, who at one time was General Westmoreland's chief deputy commanding officer, informed me that 80 percent of the Vietcong fighting us in the Mekong Delta were born and reared in that area. The Mekong Delta is entirely in South Vietnam. In fact, it is south and west of Saigon. When I stated, "Then that means we are involved in a civil war in South Vietnam," he said, "It could be termed a civil insurrection." The Mekong Delta area has at all times from 1963 to the present time been a stronghold of the National Liberation Front, or Vietcong.

In his recent speech at the United Nations President Nixon said:

> What the United States wants for south Vietnam is not the important thing. What north Vietnam wants for south Vietnam is not the important thing. What is important is what the people of south Vietnam want for south Vietnam. To secure this right and to secure this principle is our one limited and fundamental objective.

However, at the same time this administration continues to support and strengthen the Thieu-Ky militarist regime in Saigon, the largest single obstacle to peace. Yet President Nixon knows, or should know, that General Thieu and Ky could not remain in power in Saigon for a week except for the support of our Armed Forces. President Thieu and Vice President Ky have at most the support of but 20 percent of the people of South Vietnam. President Nixon has kept in key positions Ambassador Bunker, Ambassador Lodge, and others who have been and are now subservient to Thieu and Ky.

It is obvious that there will never be peace in South Vietnam until and unless a coalition government is established in Saigon composed of all elements of South Vietnamese political life, including representatives of the National Liberation Front, instead of a regime which has barred neutralists, so-called, many Buddhists, and representatives of the National Liberation Front from voting or participating in government.

The administration has not faced up to the fact that the only way this war will be brought to an end is for both sides to compromise on a political solution—a compromise that must include a coalition government in Saigon and free elections. It is equally clear that Thieu and Ky are not going to preside over their own removal from power, so any negotiations in which they have a hand are doomed from the outset. There can be no escape from this hard truth. Furthermore, we Americans should demand that Thieu and Ky either place on trial or release the thousands of political prisoners now imprisoned in jails in Saigon and elsewhere.

How can anyone know what the South Vietnamese people want until free elections are held? President Nixon can never hope to achieve his objectives if he continues to support the militarists now ruling in Saigon.

Many civilian and military officials of the Saigon regime are well aware that once there is peace they will be ousted as provincial leaders and generals, within a few days and forced to flee and rendezvous with their unlisted bank accounts in Hong Kong and Switzerland.

Vice President Ky has even gone so far as to threaten to use military force if necessary to oppose political concessions to his fellow countrymen. He recently addressed a group of South Vietnamese Air Force officers as follows:

> The future of our country is in your hands—yours and mine. We cannot afford to leave our destiny in the hands of dirty politicians. I tell you we will replace them, we will replace them in leading this country to victory. . . . No country including the United States, can determine our future for us.

Of course, he hopes to lead his regime to victory on the blood of young Americans who have been sent to fight and die in a small country 10,000 miles distant from our shores and of no strategic or economic importance whatever to our national defense. More than 47,000 young Americans have already been killed in combat, more than 250,000 others wounded and additional thousands afflicted with malaria fever, bubonic plague and other jungle diseases to maintain Thieu and Ky and their ilk in power. Those are priceless lives of young Americans sent overseas to fight in a civil war in Vietnam.

The desire of those Saigon militarist leaders to remain in power is totally inconsistent with President Nixon's statement that "what is important is what the people of South Vietnam want." These incompatible policies hold out the prospect not of peace but of a prolonged military occupation which will continue indefinitely to drain American treasure and lives.

The fact is that while professing a desire for peace, the administration has failed to create the political conditions in Vietnam under which peace is possible. This raises the question as to whether this administration really seeks to end this war despite President Nixon's repeated statements to the contrary.

During the presidential campaign Richard Nixon said:

> I have a secret plan to end the Vietnam war.

He really assured the American people that if they elected him President he would bring the boys home. He has been in office more than 8 months and Americans are still waiting for him to unveil his plan. It seems still to be his secret. However, there is a limit to the patience of our fellow citizens and they will not be satisfied with words and gestures of peace as a substitute for the deeds they were promised.

Reducing the troop level in Vietnam from 535,000 men to 475,000 or to a permanent garrison of 350,000 or 400,000 men is not what Americans had in mind when they elected Richard Nixon to end the war. Is it the policy of this administration to seek an end to this immoral, unpopular, undeclared war or merely to reduce the casualties and the troop commitment to what it supposes to be politically tolerable levels?

Until the President begins to make a real effort to solve the central task of forming a coalition government in Saigon, he cannot begin to make good the pledge on which he was elected.

Invariably throughout the past 3 months, every Pentagon report of casualties shows more Americans killed and wounded than ARVN forces. It is saddening to report that during the 2 weeks from September 6 to September 20, 1969, inclusive, 2,735 Americans were killed and wounded in combat in Vietnam. During that same period 2,685 of the too-friendly-to-fight friendly forces of South Vietnam—ARVN—were killed and wounded. Also during this last 2-week period approximately 75 Americans were killed in what Pentagon terms "accidents and incidents." In World War II most of these casualties were termed combat deaths.

At that time, in World War II, there was no Pentagon credibility gap such as we have now. That is an unfortunate thing. It is also unfortunate that our intervention in the civil war in South Vietnam has really turned it into an American war.

IDAHO'S CHAMPION CRIME FIGHTER

Mr. CHURCH. Mr. President, my colleague from Idaho (Mr. JORDAN) last week attracted nationwide attention as a result of his decisive action in fending off a would-be robber in his apartment building near the Capitol.

All of us applaud Senator JORDAN for his swift action and, at the same time, are thankful that the only injuries suffered were minor—mainly bruised knuckles. [Laughter.]

Among the news coverage which followed the incident was an editorial which appeared in the September 19 edition of the Idaho Statesman, our State's largest daily newspaper.

As the Statesman summed up the event:

We hope Senator Jordan won't be compelled to defend his title, even though there isn't much question about who would win.

Mr. President, I ask unanimous consent to have editorial printed in the RECORD.

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

SENATOR WINS CRIME FIGHTER ACCOLADES

Sen. Len. B. Jordan of Idaho has earned recognition as one of the nation's outstanding crime fighters.

His decision over a would-be robber in an apartment building melee attracted national attention to the senator. Among those who congratulated him Thursday was President Nixon.

Not everyone would have had the courage or the presence of mind to act as decisively and swiftly as Jordan. His assailant may have thought he had easy pickings with an older man.

Thousands of Idaho people who know and admire the senator will be pleased that he won the fight, and that he wasn't seriously hurt.

The fact that a senator can be accosted inside his own apartment building adjacent to the Capitol is a sobering commentary on crime.

We hope Senator Jordan won't be compelled to defend his title, even though there isn't much question about who would win.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED AMENDMENT OF THE FISH AND WILDLIFE ACT OF 1956

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act (with an accompanying paper); to the Committee on Commerce.

PROPOSED AMENDMENT OF THE INTERSTATE COMMERCE ACT

A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend part I of the Interstate Commerce Act by the addition of a new section 13b so as to set forth the duty of railroads operating intercity passenger trains to provide and furnish reasonably adequate service and to authorize the Commission to establish and enforce standards of reasonably adequate service and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION AMENDING S. 2869

A letter from the Deputy Attorney General of the United States, transmitting a draft of proposed legislation amending S. 2869, to provide a new code of juvenile procedure for the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a review of variations in cost and performance among community action program service activities, Office of Economic Opportunity, Department of Health, Education, and Welfare, dated September 26, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the community action program under title II of the Economic Opportunity Act of 1964, Detroit, Mich., Office of Economic Opportunity, dated September 25, 1969 (with an accompanying report); to the Committee on Government Operations.

RECOMMENDATION NO. 132, INTERNATIONAL LABOR ORGANIZATION

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, for the information of the Senate, the text of ILO Recommendation No. 132, concerning the improvement of conditions of life and work of tenants, sharecroppers and similar categories of agricultural workers (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the village of Arlington Heights, Ill., remonstrating against any proposed amendment of the Internal Revenue Code relating to the abolition of the existing tax exemption for interest on municipal bonds; to the Committee on Finance.

A commentary, submitted by the city of Waterbury, Conn., remonstrating against proposed amendment of the Internal Revenue Code relating to the abolition of the existing tax exemption for interest on municipal bonds; to the Committee on Finance.

A resolution adopted by the Northwest Municipal Conference, representing several Illinois municipalities, opposing any amendment to the Internal Revenue Code which would result in the abolition of the existing tax exemption for interest on municipal bonds and other securities and obligations of municipalities; to the Committee on Finance.

RESOLUTION ADOPTED BY MIDWEST ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE REGARDING RELATIONSHIP OF VOCATIONAL AGRICULTURE AND THE FUTURE FARMERS OF AMERICA

Mr. MILLER. Mr. President, I send to the desk a resolution passed at a recent convention of the Midwest Association of State Departments of Agriculture expressing the concern of that association over the relationship of vocational agriculture and the Future Farmers of America within the Office of Education of the Department of Health, Education, and Welfare. I ask that this resolution be appropriately referred.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The resolution will be received and appropriately referred.

The resolution was referred to the Committee on Labor and Public Welfare.

AUTHORIZATION FOR PRINTING REPORT OF UNITED STATES-CANADA INTERPARLIAMENTARY CONFERENCE AS A SENATE DOCUMENT (S. DOC. NO. 91-35)

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Idaho (Mr. CHURCH), I submit the report of the Senate delegation to the 12th meeting of the United States-Canada Interparliamentary group, of which Senator CHURCH was chairman, held in Ottawa, Canada, in June of this year. The report is under 50 pages and, at the request of Mr. CHURCH, I ask unanimous consent that it be printed as a Senate document.

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

BILLS INTRODUCED

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

By Mr. DODD:

S. 2966. A bill for the relief of Hai Young Han; to the Committee on the Judiciary.

By Mr. HARRIS:

S. 2967. A bill to authorize the Secretary of the Interior to lease certain deposits of minerals in the bed of the Red River in Oklahoma; to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

S. 1032

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of S. 1032, to amend the Urban Mass Transportation Act of 1964, and for other purposes.

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

S. 1958

Mr. HARRIS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of S. 1958, to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees.

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

S. 2548

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Georgia (Mr. TALMADGE), I ask unanimous consent that, at the next printing, the name of the Senator from South Dakota (Mr. MCGOVERN) be added as a cosponsor of S. 2548 to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for childen under such acts.

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

S. 2548

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. METCALF) be added as a cosponsor of S. 2548, to amend the National School Lunch Act and the Child Nutrition Act of 1966, to strengthen and improve the food service programs provided for children under such acts.

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

S. 2658

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor of S. 2658, to provide pensions for veterans of World War I.

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

S. 2890

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Kentucky (Mr. COOPER) and the Senator from Oregon (Mr. HATFIELD), be added as cosponsors of S. 2890, to amend title 38 of the United States Code to permit certain active duty for training to be counted on active duty for purposes of entitlement to educational benefits under chapter 34 of such title.

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

SENATE RESOLUTION 266—RESOLUTION SUBMITTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. BIBLE (for himself and Mr. JAVITS) submitted the following resolution (S. Res. 266); which was referred to the Committee on Rules and Administration:

S. RES. 266

Resolved, That the Select Committee on Small Business is hereby authorized to expend from the contingent fund of the Senate $10,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 57, Ninety-first Congress, agreed to February 17, 1969.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 210

Mr. MCCLELLAN submitted amendments, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which were referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. MCCLELLAN when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

IMPROVEMENT OF HEALTH AND SAFETY CONDITIONS OF PERSONS WORKING IN THE COAL MINING INDUSTRY—AMENDMENT

AMENDMENT NO. 211

Mr. RANDOLPH (for himself and Mr. BYRD of West Virginia) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 212

Mr. RANDOLPH (for himself, Mr. BYRD of West Virginia, Mr. WILLIAMS of New Jersey, Mr. JAVITS, and Mr. YARBOROUGH) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2917, supra, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON FEDERAL COURT JURISDICTION OVER AGENCIES COMPETING TO REGULATE PUBLIC UTILITIES

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce hearings to amend the Federal Declaratory Judgment Act to grant district courts of the United States jurisdiction to resolve controversy with respect to jurisdiction to regulate a public utility and to provide for venue in such cases.

The hearings will be held at 10 a.m. on Wednesday, October 29, 1969, in the District of Columbia Committee hearing room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the RECORD should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Ollie L. Canion, of Louisiana, to be U.S. marshal for the eastern district of Louisiana for the term of 4 years, vice Victor L. Wogan, Jr., retired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, October 3, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

SENATOR SCOTT SUPPORTS SOCIAL SECURITY INCREASES

Mr. SCOTT. Mr. President, I agree wholeheartedly with President Nixon that this Nation must not "break faith" with those Americans who have every right to expect the social security system to protect them and their families from the brunt of continuing inflation. This has not been the case in the past. As the cost of living has increased substantially, social security benefits have remained relatively stable, and certainly inadequate to bear the brunt of inflation.

I am delighted that the President has requested immediate legislative action which would guarantee that this impact of inflation will not happen in the future. I supported the President's proposal for automatic cost of living benefit increases, and as the people of Pennsylvania know, I have made the same suggestion myself earlier this year.

I firmly believe this is one of the highest priority measures which Congress must face this session. For my part, I will press for Senate action this year in every way I can.

Whether the increase should be 10 or 15 percent or somewhere in between is a question, of course, which must be determined by Congress. I have stated before that to be adequate it may have to be 15 percent. However, there is danger when we move beyond what the cost of living increase has been.

I know that I could not suggest a percentage figure for an increase that would not immediately be doubled by a whole pack of irresponsible Democrats. I would like to keep the increase within the area of fiscal responsibility. However, I can assure my constituents and my colleagues in the Senate and President Nixon that I will press for Senate action this year.

RISE IN DISTRICT OF COLUMBIA CRIME MAKES VICTIM COMPENSATION AN URGENT MATTER

Mr. YARBOROUGH. Mr. President, I recently introduced S. 2936, a bill to create a Victim Compensation Commission in the District of Columbia. This body would be empowered to hear petitions from victims of crime for compensation for the harm done them. I have long felt that it is as necessary for the Government to compensate victims of crime as it is for the Government to capture and punish criminals.

Recently, the Federal Bureau of Investigation released some rather disturbing data which showed a 22 percent increase in crime for the first 6 months of 1969 in the District of Columbia over the same period of last year. I feel that this statistic makes the passage of my bill an urgent necessity.

Mr. President, I ask unanimous consent that an article entitled "Crime in Nation Up 9 Percent; 22 Percent District of Columbia Rise Indicated," published in the Washington Star of Tuesday, September 23, 1969, be printed in the RECORD.

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

CRIME IN NATION UP 9 PERCENT; 22 PERCENT DISTRICT OF COLUMBIA RISE INDICATED

Crime in the United States increased 9 percent in the first six months of 1969, according to an FBI Uniform Crime Report released today.

Although the FBI report does not list percentage changes for localities, figures listed for the District in seven crime categories indicate an overall increase of 22 percent for the first half of 1969, compared with the equivalent period of 1968. The increase in the listed crimes for the District was from 22,013 to 26,830.

The national crime figures for the first six months of 1969 also showed that violent crimes as a group—robbery, rape, aggravated assault and murder—increased 13 percent over the similar period last year.

Cities of more than 250,000 population and rural areas showed overall increases of 8 percent. Suburban areas reported an 11 percent jump.

STREET CRIMES INCREASE

FBI Director J. Edgar Hoover pointed to the upward spiral in robbery and other street crimes. Armed robberies represented 61 percent of all robbery offenses, and increased 20 percent.

Street thefts rose 11 percent during the first half of this year, and assaults with firearms were up 11 percent.

In Washington, according to the FBI figures, homicides in the first half of 1969 totaled 125 compared with 88 in the first six months of 1968; forcible rape was up to 150, from 100; robberies from 1,489 to 1,725, and burglaries increased from 8,829 to 10,107. Auto theft was the only listed offense that showed a decrease—4,878 in the first half of 1968, down to 4,673 in the first half of this year.

ARLINGTON REDUCES CRIME

Arlington and Alexandria are the only other area jurisdictions for which offenses are listed among communities of more than 100,000 population.

Arlington showed these comparisons: 4 cases of murder or non-negligent manslaughters in the first half of 1968, decreasing to 2; 24 rapes in 1968, with 10 in the first half of 1969; 872 burglaries in 1968, and 668 for 1969's comparable period, and 70 robberies in 1968 compared with 48 in the first six months of this year.

For Alexandria: 3 murders or non-negligent manslaughters in the first half of 1968 compared with 4 for the first half of 1969; 10 forcible rapes compared to 15 for the first half of this year; burglaries up from 561 to 563; robberies down from 134 to 99, and auto thefts up from 255 to 302.

"WRONG DECISION" ON THE SST

Mr. PROXMIRE. Mr. President, on Wednesday, September 24, the Washington Evening Star published an editorial on President Nixon's decision to go ahead with U.S. development of a supersonic transport plane. The editorial is entitled "Wrong Decision."

Mr. President, what is the justification for the SST? Certainly not the cost; the Federal Government's contribution will run at least as high as $1.2 billion, and there is virtually no hope that this investment will ever be recovered out of revenues. The SST's benefits? These are tenuous at best, since flights will have to be limited to transoceanic travel until the sonic boom problems are ironed out. And there is virtually no hope of eliminating this problem in the foreseeable future.

Improving the Nation's balance of payments is occasionally cited as a justification for the SST. But this argument cuts the other way. As long as the SST's flights are confined to intercontinental travel—and they almost certainly will be—the SST will have one primary function: carrying Americans abroad where they can spend their dollars on foreign-made goods. Just how this is expected to help our balance-of-payments situation is a mystery to me.

Nor is there any military justification for the SST. The Department of Defense has been completely candid in acknowledging that the military will have no use for the SST—particularly now that the Pentagon has the go-ahead to develop the advanced manned strategic aircraft, or AMSA. The SST must stand or fall on expected benefits from civilian use.

Mr. President, I submit that there is actually only one justification for the U.S. decision to develop an SST: national prestige and competition. I should think that the United States has already demonstrated its technological superiority by winning the race to land a man on the moon. It should be obvious to any reasonable man that the United States cannot hope to be first in everything; it should be enough that in achieving an escape from the earth's gravity, and in reaching another celestial body, it was the United States that had the capability, and developed the technological know-how, to succeed in this effort. This was an achievement that some have said was the greatest since the Creation. Mr. President, how many times must we prove ourselves?

The Evening Star also makes another telling point: that by entering the SST race at this late date, the United States cannot be first. Both the Russians and the Anglo-French alliance have already tested their supersonic models and expect to have them in service by 1973. This is a race that we cannot win. Moreover, I cannot see why this is a race that we should want to win.

I ask unanimous consent that the Star editorial be printed in the RECORD.

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

WRONG DECISION

The reasoning behind the administration's decision to proceed with the development of the supersonic transport plane appears to run something like this: Other nations are building the machines, therefore the United States must do the same or lose face.

The logic of the compulsion to follow the other lemmings as they march over the cliff escapes us.

The SST will provide the dubious advantage of carrying passengers to Europe in approximately three hours, instead of the present seven hours. While a handful of particularly eager jet-setters may be intrigued by that prospect, many travelers would prefer to retain the option of a few hours sleep en route.

The argument of national prestige is also open to question. The United States cannot be first. The Russians and the British-French combine have already flown SSTs and expect to have them in service by 1973—some five years before the U.S. gets into the act. And there is considerable doubt how much prestige will accrue to the nations whose planes leave a trail of supersonic destruction and disruption wherever they go.

For the privilege of coming in third in the race for a bigger and better sonic boom, the American taxpayer will shell out—according to today's estimate—$994,000,000. By the time these estimates complete their inevitable upward revisions, a reasonable guess is that the federal government's part of the tab will be closer to $2 billion.

Just offhand, we can think of a dozen better ways to spend that kind of money than on a financially dubious investment in luxury travel.

The matter now goes to Congress for approval, as the saying goes. Better still, there is a good chance that the legislators will disapprove, electing to forgo the opportunity to join the thoughtless parade. Perhaps, just this once, Congress will be willing to let someone else make the costly mistakes and give the United States a chance to profit by them. Perhaps the Hill will decline to sign the blank check the White House has handed it.

CLASS ACTIONS—MUSCLE FOR CONSUMERS

Mr. TYDINGS. Mr. President, on April 25, 1969, I introduced S. 1980, the Class Action Jurisdiction Act. This act is designed to provide consumers with an effective means, the class action, for fighting the commercial fraud and overreaching practices that often victimize them.

On July 28 and 29, the Subcommittee on Improvements in Judicial Machinery, of which I am chairman, held hearings to consider the merits of S. 1980. The subcommittee heard testimony from an impressive group of witnesses, each of whom endorsed the "class action" as the most effective remedy for consumer frauds, and each of whom called for increased access to the Federal courts and the broad modern class action rule provided by the Federal Rules of Civil Procedure.

The hearings held in July served to illuminate the problems that the legislation was designed to meet and also to

produce important suggestions for its improvement. All of the suggestions are being carefully reviewed by the subcommittee in its efforts to perfect the provisions of S. 1980. I intend to work for the enactment by the 91st Congress of the Class Action Jurisdiction Act in order to provide the consumer with the meaningful remedy that has been denied him too long.

After the hearings of July 28 and 29, the National Consumer Law Center, under the guidance of its deputy director, Prof. Paul G. Garrity, prepared a summary of the testimony heard by the subcommittee. I believe that Members of Congress will find the testimony helpful and interesting. I ask unanimous consent that an extract from the summary be printed in the RECORD.

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

SENATE HEARINGS HELD ON S. 1980: THE CLASS ACTION JURISDICTION ACT

On July 28 and 29, 1969, testimony on S. 1980, the Class Action Jurisdiction Act, was heard before the Senate Subcommittee on Improvements in Judicial Machinery, chaired by Senator Joseph D. Tydings.

* * * * *

In his opening statement, Senator Tydings spoke in detail of the class action procedure which S. 1980 creates by providing a judicial forum in which consumer rights can be effectively protected. Recognizing that consumers increasingly suffer common abuses, Senator Tydings noted that this remedy will economically and effectively provide a long needed method of redress which may serve to deter as well as to recompense for fraudulent conduct.

The witnesses on July 28 included Congressman Bob Eckhardt, author of the House version of S. 1980 (H. 11656); Mrs. Virginia H. Knauer; Special Assistant to the President for Consumer Affairs, who proposed an alternative to S. 1980; Ralph Nader, who pointed out how merchants calculate with precision how much they may cheat their customers and still be certain of not being taken in court; Professor Richard F. Dole, Jr., who assisted in drafting S. 1980 and who testified as to its merit suggesting amendments to cure some of its ambiguities; and Mrs. Erma Angevine, Executive Director of the Consumer Federation of America, who attacked as a "red herring" the argument that S. 1980 would cause unworkable congestion in the Federal Courts.

On July 29, Mrs. Bess Myerson Grant, Commissioner of New York City's Department of Consumer Affairs testified that S. 1980 is one of the most powerful instruments of economic justice that the Senate has ever considered. Other witnesses on that day were Mr. Maynard J. Toll, President of the National Legal Aid and Defender Association, who testified as to specific abuses and the immediate need for a class action remedy; Professor Paul G. Garrity, Deputy Director of the National Consumer Law Center, who pointed out the inadequacies of present remedies and speculated as to the future upon enactment of S. 1980; Mr. Ted Pankowski, Conservation Associate for the Izaak Walton League, who represented conservationists' interests in the class action remedy; and Mr. James G. Greilsheimer, Member of the Committee on Legislation of the Federal Bar Council, who endorsed the bill's goals and assured the Sub-committee concerning S. 1980's constitutionality.

* * * * *

Congressman Bob Eckhardt of Texas, the first witness, noted that no vehicle for justice, equity, and fair play exists for the consumer. Referring to such current procedural methods employed to balance conflicting economic interests as collective bargaining, commission controls, and the technique of using yardsticks such as provided under the TVA and REA, Representative Eckhardt pointed out that the Congress possesses jurisdiction to create for the consumer a procedure such as S. 1980. He recommended that this procedure must be self-induced and self-propelling and not one that depends upon the "good motivations and energetic administration of a commission" for its impetus.

* * * * *

Referring to Congressional action, Eckhardt observed that legislation has too often been piecemeal and he stated: "We see a specific wrong and introduce a specific piece of legislation to remedy it. The underlying problem is not confronted. We object to the operation of a specific department or agency so we attempt to abolish it or transfer its functions to a new agency or department. But often we don't stop to think about why the function has not been performed." Good legislation, he summarized, must foresee the existence of competing interests and otherwise self-motivated forces, and it must supply the machinery, readily available, to accomplish the public purpose.

Representative Eckhardt then turned his attention to the mechanics of S. 1980 which he feels effectively provides a process which would utilize existing institutions to stop commercial fraud and overreaching practices. Lawyers have an interest in making the act work and consumers have an effective remedy. More importantly, the very existence of such sanctions would in all likelihood motivate business to deal fairly under full disclosure.

Congressman Eckhardt envisioned that this legislation will be a model in the consumer field establishing a self-sustaining process requiring no government subsidy to pay for reform and no bureaucracy to administer its provisions. Eckhardt concluded that this procedure must be instituted. Most consumer abuses are wrongs which involve small amounts of money, many under $200. Quoting from a Comment in 114 U. Pa. L. Rev. 395 at 409, Congressman Eckhardt related that "[i]n many instances fraudulent operations carefully avoid cheating individuals out of large sums of money because they realize that 'no one bilked out of fifty dollars is going to pay a lawyer to get his money back'."

* * * * *

Mrs. Virginia Knauer was next to testify and she initially stated: "The problem of the consumer having an effective remedy for deception and fraud practiced upon him is an acute one and one of nationwide significance. Far too often the average consumer who believes that he has been swindled finds that he has no adequate means of redress and that *caveat emptor* is still apparently the law of the land, not because the law affords him no protection, but because he cannot adequately or practically enforce that law. A right without an effective remedy is a very unsatisfactory right indeed."

Mrs. Knauer has determined that a majority of States have established an office whose main function is consumer affairs. However, she was quick to point out that with their limited resources and the ever increasing proliferation of goods and services, these state agencies are increasingly overburdened and therefore unable to act as effectively as one might desire. What is needed is a procedure allowing the consumer "a convenient, expeditious, and effective remedy for fraud and deception." This procedure must be sufficiently attractive to the private bar in order to enlist its support. The private bar was seen by Mrs. Knauer as a sleeping giant in the consumer protection field, which, when properly motivated, can do more than any governmental agency to aid consumers.

* * * * *

Ralph Nader of Washington, D.C. followed Mrs. Knauer. * * * Nader urged that S. 1980 proposes to "fill part of a legal gap of immense proportions between the power of perpetrators to exploit successfully and the imotence of victims to defend themselves within the legal system." Noting that during the past five years Congressional and Agency hearings had produced many volumes of documented materials showing the increasing degree to which consumers are "harmed and relieved unjustly of their income," he concluded that despite the "very fundamental human values" involved, the law remains "largely symbolic or inadequately enforced." "Any rule of law, to be effective," Mr. Nader continued, "must provide opportunities for sanctions and remedies."

The most cursory view of recent consumer legislation reveals that both sanction and remedy are in a woeful state of statutory anemia. . . . A Post Office official once described in Federal Trade Commission as a toothless feline that gummed its defendants into submission. That is a charitable description. The FTC as an instrument of sanction is almost nil, shorn as it is of injunctive and criminal sanctions and deprived of the prodding of private citizen remedies. As is well known, state consumer protection agencies are in an even weaker state of inaction." Nader felt that across the board governmental regulatory procedures in consumer areas have failed because both of the absence of private citizen pressure and the presence of special interest groups "which control or block agency action." He, as usual, castigated the legal system by pointing out that courts have furthered this lack of remedy in their own archaic way and that the law schools rarely discuss the failure of the judiciary to resolve these problems. He stated that "the exquisite congruence of sanction and relief that is implicit in the consumer class action has few parallels anywhere in the legal system."

Mr. Nader concluded by observing that at least 90% of the illegal consumer abuses are never judged to be such by our legal system. "The arm of the law, either in reality or in anticipation of reality, never reaches these abuses . . ." S. 1980 facilitates appropriate consumer remedies and if this bill becames law, the consumer will be able not only to deter further abuse, but also to require vendors to return what they have unjustly received. He summarized that S. 1980 is not a culmination of efforts aimed at eliminating consumer abuses; it is rather a beginning and will remain a beginning unless the pathway toward consumer justice is developed further.

Professor Richard F. Dole Jr., of the University of Iowa Law School, was next to testify and he stated that, in his opinion, S. 1980 is one of the most important consumer bills pending in Congress. He then interpreted the proposed statute as one which does not create liability, but is a jurisdictional statute which clearly applies Federal Rule of Civil Procedure 23 to federal and state law which gives consumers legal rights. * * *

According to Professor Dole, S. 1980 will promote justice in the following ways: If a federal consumer protection law establishes individual consumer legal rights without specifically providing for class actions, S. 1980 would provide such a procedural right. Also, S. 1980 provides an effective process for redress of the violation of state law which creates consumer legal rights.

* * * * *

After presenting a list of complaints which consumers have, Mrs. Erma Angevine, who followed Professor Dole's presentation, stated that courts can offer consumers the most effective redress of their grievances. Unfor-

tunately, she felt, courts have been slow to recognize the rights of consumers and have done little to accommodate their lengthy, cumbersome, expensive procedures to the ordinary consumer complaint.

Along with the procedural and economic shortcomings the traditional lawsuit is not an altogether effective remedy. One consumer may recover his damages while the defendant continues to abuse hundreds of others. The class action suit becomes a very sensible and effective remedy. She stated that a class action procedure "makes enforcement of small claims economically feasible, and—of much greater social and economic significance—it may enjoin continuation of illegal and fraudulent practices."

* * * * *

Confronting the argument that S. 1980 would increase litigation and "flood the Federal Courts and swamp their already overcrowded dockets" Mrs. Angevine felt that S. 1980 would actually decrease the number of cases brought each year. Instead of a dozen cases against a merchant, one case would adjudicate the rights of the parties and halt future violations of the law. She concluded that, "If, however, we are wrong and S. 1980 increases litigation, let's face the issue squarely. Are persons to be denied their day in court to redress their rights as consumers in the most effective manner because we cannot, with all our resources, find a way to unclog our court calendars? If we must choose, we prefer the delays, inconveniences, and irritation of an overworked court system to having laws on the books that go unenforced while businessmen, with impunity, defraud, cheat, and mislead the public in violation of those laws." * * * "This brand of hypocrisy will disappear from the law of . . . every state and city in the nation, when your Federal Class Action Act passes the Senate and the House of the United States. Let us hope and work to have that day come soon."

Maynard J. Toll, assisted by Washington counsel Benny Kass, followed Mrs. Grant's testimony by observing "It is strikingly apparent that changes in both substantive and procedural laws must be made in order that poor people may really become beneficiaries of that ideal of 'fair play' which lies at the heart of our constitutional guaranty of due process of law. One such procedural change most urgently needed is that which is now before you." S. 1980 he added, provides a process for class actions which is essential to an effective program of consumer protection. Mr. Toll documented examples of consumer abuses where class action litigation would be the most appropriate and effective procedural remedy such vs where elderly citizens being persuaded to contract for extensive dancing lessons only find the instructions not to be as represented; semi-literate individuals being pressured to purchase sets of books for self-education and such books being entirely inappropriate for their needs; and freezers "full of food" being "sold" or "rented" and the seller refusing to be bound by the salesman's representations as to the amounts and quality of the food.

Mr. Toll noted, as did Mrs. Angevine, that every new legislative proposal to broaden the scope of procedural remedies is attacked with the boilerplate argument that the court's dockets will be flooded. He also suggested that in all probability S. 1980 would reduce over a period of time, the number of cases filed and that very simply the "overcrowding" argument avoids the merits of this legislative measure.

Professor Paul G. Garrity began his testimony by pointing out that, during fiscal year 1968, Legal Services Attorneys handled approximately 475,000 legal matters. Eighteen per cent (almost 85,000) of this staggering caseload involved consumers' legal problems and these problems pervade all aspects of the merchant-consumer relationship. The Federal Trade Commission as well as the various state agencies for consumer protection, he noted have been patently ineffective in dealing with these abuses. Passage of S. 1980 will alleviate to a great degree the hard felt need for an effective consumer remedy. Judicial conservatism and inadequate statutes will give way to an effective private remedy. Anachronistic theories and outmoded forms will give way to the substantive problem, and an effective judicial forum will become available to meet the growing oppression and frustration endured by this country's consumers.

The class action mechanism, as a viable remedy for groups of exploited consumers, he concluded, is absolutely essential. The advantages of the class action procedure, i.e., economic, educational, and procedural are unparalleled by any existing remedy. After several months of research and evaluation of the existing legal remedies, Professor Garrity stated that the National Consumer Law Center has concluded that S. 1980 is the only effective answer to many consumer problems.

Mr. Ted Pankowski, the next to the last witness, stated that the Izaak Walton League of America had been concerned for the past 48 years with the preservation, restoration, and wise use of America's natural resources to serve the needs of man and pointed out that its interest in the Class Action Jurisdiction Act is predicated on two principles. First, citizens and citizens organizations are increasingly bringing class actions when environmental abuses are at issue. Second, it is becoming increasingly clear that environmental issues are directly related to individual and group consumer practices. He exemplified this by noting that oystermen, as consumers of a basis natural resource, may have no redress for claims relating to injury to their livelihood esulting fom pollution. Also what of the housewives whose laundry is continually ruined by industrial smoke. In Washington, D.C., the public must spend almost $250 million annually to offset the damage caused by air pollution (approximately $100 per person per year).

* * * * *

James G. Greilsheimer was the final witness and he observed that existing federal legislation together with proposed consumer protection legislation now pending in Congress clearly demonstrates an articulated and active federal policy regulating the field of consumer protection. The effectiveness of this policy has previously been severely hampered by the absence of effective judicial remedies for enforcement.

S. 1980 seeks to afford an effective remedy through recognition that aggregation of small individual losses is an extremely potent consumer weapon to deter fraud and other illegal conduct. Federal action is warranted due to the restrictive attitude of most states, and the immediate need for uniform remedies for consumers throughout the country.

In addition to providing the consumer with a much needed remedy, legitimate businesses will also benefit. The legitimate businessman also suffers from the consequences of consumer abuses. Abuses may cause legislation to be initiated aimed at correcting the problem but unduly hampering the honest mendicant. This proposed legislation would affect only those businesses employing abusive practices. As the opportunity for private relief is furnished, the need for additional governmental controls over the private sector in regard to consumer protection is reduced.

DODD URGES WHITE HOUSE SUPPORT TO SAVE AMMUNITION CONTROLS

Mr. DODD. Mr. President, I am deeply dismayed and gravely concerned over the fact that H.R. 12829, the Interest Equalization Tax Extension Act, which is on the Senate Calendar, has attached to it an amendment which would repeal the ammunition registration requirements of the Gun Control Act of 1968.

It is disturbing that legislation of this consequence could be reported to the Senate as a "Christmas tree" attachment to another bill. I am especially disturbed because not a single day of hearings was held on this amendment, a measure which would repeal what is potentially one of the most useful anticrime tools which Congress has given to law enforcement officials.

Because of the great importance of this matter, I have written a letter to the President asking for his support in the effort to prevent the dismantling of the Gun Control Act of 1968.

I ask unanimous consent that the text of my letter to the President be printed in the RECORD.

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

SEPTEMBER 24, 1968.

HON. RICHARD M. NIXON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing this letter on a matter of great importance. As you know, I have long shared your view that this country can no longer tolerate the spiralling crime rate that has gone on unabated for many years. It was especially gratifying to me, therefore, that after extensive hearings which began in 1963, Congress finally enacted into law the Gun Control Act of 1968. This law, for the first time, provided meaningful Federal controls over the interstate traffic in firearms and ammunition.

During the consideration of this Act, there was a great deal of debate over the inclusion of controls over the commerce in ammunition. The Congress voted, and wisely so, to require that Federally licensed dealers keep records on the sale of all ammunition. This amounts to a simple recording of the name, age and address of ammunition purchasers. It is the only way we could guarantee that licensed dealers would not "knowingly" sell ammunition to teenagers, convicted felons and similar persons who, under the Act, would be prevented from purchasing weapons. There was ample testimony and Floor debate which proved that these provisions were absolutely necessary to reduce armed crimes, to aid in law enforcement efforts to apprehend criminals, and to prevent unfettered sales of ammunition which could easily be used in such weapons as homemade "zip-guns."

Much to my dismay, I now find that certain members of Congress are attempting to repeal this very important crime control measure by attaching a repeal amendment to the totally unrelated Interest Equalization Tax Act, H.R. 12829. By falsely representing the present law as "back door gun registration," and flatly stating that the ammunition they want freed from controls is not used in crimes, they have convinced many of their colleagues to support the measure.

The facts, of course, are exactly the opposite, as a review of the Senate hearings and the Floor debate on this measure will reveal. The types of ammunition which some seek to delete from the Gun Control Act were used in the monstrous assassinations of recent years, including President John Kennedy, Senator Robert Kennedy, the Reverend Martin Luther King, and Medgar Evers. The most criminally abused ammunition, the .22 caliber rimfire bullet, accounted for 37 percent of the homicides committed in this country last year. This means that in 1968, three thousand three hundred Americans were

murdered by these bullets. According to the testimony before Congress of every police officer, the .22 caliber pistol is the weapon most often used in armed robberies.

The proponents of this anti-crime control measure claim that by requiring a person to identify himself when he purchases ammunition, we have "severely inconvenieced" millions of sportsmen who hunt with .22 caliber weapons. This, of course, is an unsupportable argument. I would point out that the recent report of the Violence Commission on "Firearms and Violence in American Life" states that .22 caliber handguns are rarely used for hunting, that .22 caliber rifles have limited utility as hunting weapons, and that the most common use of .22 caliber ammunition in America is "plinking at tin cans and bottles."

On the other hand, this same report points out that the firearms policies of extremists groups throughout the country consider the .22 caliber pistol and rifle and the shotgun to be the "most desirable" weapons for insurrection, anarchy and political murder.

In view of our critical crime problem and the disastrous role played by firearms in American violence, I know you are concerned over this matter. Any attempt to *reduce* the capability of law enforcement agencies to cope with criminals while *increasing* the capability of any lunatic, juvenile delinquent, felon or "zip-gun" owner to once again purchase these deadly items with no questions asked must be prevented.

I plan to do everything I can to prevent this dismantling of a major crime control bill, and I ask your support to help in this effort.

With kindest personal regards, I am

Sincererly yours,

THOMAS J. DODD,
Chairman, Subcommittee to Investigate Juvenile Delinquency.

PUBLIC HEARINGS—TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Committee on Finance received testimony with respect to that portion of the House tax reform bill which modifies the present depreciation and recapture rules and substantially reduces the opportunity to avoid tax through the use of accelerated depreciation.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

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

REAL ESTATE DEPRECIATION AND RECAPTURE

WALLACE R. WOODBURY, CHAIRMAN, SUBCOMMITTEE ON TAXATION, REALTORS' WASHINGTON COMMITTEE, AND VICE PRESIDENT, NATIONAL ASSOCIATION OF REAL ESTATE BOARDS

Introduction

Believes that several provisions of the House bill will have an adverse effect on everyone connected with real estate, whether as property owner, investor, builder, broker, tenant, or just as resident or worker in an urban community.

Position on tax reform

Endorses concept of minimum tax provided that all sources (including without exception (1) the excluded half of long-term capital gains, (2) tax-exempt State and local bond interest, (3) percentage depletion in excess of cost depletion of property, (4) excess of fair-market value over basis of property contributed to charity, (5) intangible drilling expenses, and (6) excess of accelerated depreciation over straight-line depreciation with appropriate adjustments to basis) of so-called tax preferences be included in order not to impair real estate's already precarious competitive role in the private investment market. Maintains, however, that if any of these "preferences" are excluded, the provision applicable to real estate should not be included.

Douglas Commission on Urban Problems

States that the report of the National Commission on Urban Problems points out that—"(1) existing tax provisions have been 'institutionalized' into a complex set of economic relationships that involve a large volume of investment as well as the provision of rental housing for about one-third of all American families; and (2) * * * any 'loophole' closing efforts if applied only or more strenuously to this than to other competitive investment fields would probably curtail the flow of resources and managerial efforts into this area * * *".

Depreciation

Maintains that limiting existing buildings to the straight-line method has already had a serious restricting effect on the resale market and the 150 percent depreciation method now available for existing buildings should be restored. Argues that the present acceleration methods (200 percent double declining balance and sum of year's digits) should be available to nonresidential new construction because elimination of such methods will result in reduced yields to investors who will seek out other high yield and less risky sources than real estate investment.

Recapture

States that the proposal in the House bill to recapture as ordinary income all depreciation in excess of straight-line, without limitation as to time, is a measure which does not differentiate between a long-term investor and a short-term holder of real estate. Suggests that the committee might consider a provision that for the first 5 years all depreciation in excess of straightline be recaptured as ordinary income, then reduce the percentage of gain taxed as ordinary income 1 percent per month. Argues that an investor who has held property for more than 13 years is entitled to full capital gains.

Limit on tax preference

Urges that the LTP provision be abandoned altogether unless all sources of so-called preferential income are included. States that the House bill eliminated the oil industry and the Treasury has proposed the elimination of tax-exempt interest on local and State bonds and the appreciated value of assets donated to charity. Maintains that this treatment leaves real estate and certain farming operations as the only targets for LTP.

Limitation on deduction of investment interests (p. 19 of committee print)

Supports Treasury's recommendation that this provision be eliminated from the House bill.

Installment sales

Maintains that the provision in the House bill concerning installment sales reporting would discourage the development of unimproved property because builders must wait development and adequate outside financing before they can pay fully for the land and incur tax liability. States that the House bill greatly overreaches the problem at which it is aimed and the provision should be deleted until language can be formulated which would not interfere with legitimate and necessary methods of financing real estate transactions.

Hobby losses

States that the general language in this provision would deter the holding of property in deteriorating neighborhoods because lack of current profit and create a presumption that the venture is not profit motivated and all deductions would be disallowed. Argues that this provision would aggravate the abandoned buildings problem of urban areas because it would have the effect of further increasing the cost of holding property in blighted areas.

Allocation of deductions

Contends that interest, taxes, and casualty losses for real estate are business deductions and should not be subject to allocation and that interest and taxes on unimproved real estate held for development should be considered business deductions and not subject to this allocation provision.

LOUIS R. BARBA, FIRST VICE PRESIDENT, NATIONAL ASSOCIATION OF HOME BUILDERS

Real estate depreciation

Favors continuation of 200-percent accelerated depreciation for all real estate. Maintains that the retention of 200-percent for new rental housing will be almost completely negated by: (1) the increased recapture; (2) the elimination of accelerated depreciation for a second owner; and (3) by inclusion of accelerated depreciation in the limited tax preferences and the allocation of deductions.

Contends that the bill would practically destroy the resale market for depreciable real estate. States that owners of "locked in" rental housing could not afford to sell their property at any point prior to the end of its useful life because any sale prior would result in recapture as ordinary income of the entire amount of excess of accelerated depreciation over straight-line.

Supports the concept of a minimum tax but believes the LTP and allocation of deductions proposals would further significantly diminish accelerated depreciation for rental housing.

Argues that an investor in rental housing would be required to recognize ordinary income twice on the same dollar of accelerated depreciation: first under LTP in the year when excess depreciation is claimed and a second time upon disposition of the property under the recapture rule.

Urges rejection of the Treasury proposal to expand LTP to include as a "tax preference" the amount of excess interest, taxes, and rent over receipts from unimproved real property during construction.

Supports proposal to provide special depreciation benefits for rehabilitation of low-cost rental housing, but opposes inclusion in the depreciation recapture.

Installment sales

Suggests that the proposed limitation under section 412 of the bill on installment sales be amended to exempt a sale which involves unimproved real property where the taxpayer establishes that the property is bought and will be used for the construction of single family or multifamily housing.

Noneexempt organizations

Objects to section 121 of the bill to limit the deductions incurred by a membership organization in furnishing services to members or from transactions with members.

Incentives for housing

Considers the housing industry to need additional incentives to increase available mortgage funds. Proposes (1) allowance of an investment account for dealers in real estate; (2) exclusion from gross income of first $750 of interest income on deposits in thrift institutions; (3) preferred tax treatment for interest income from single family residential mortgages; and (4) condition continued tax exemption of income earned by pension funds on investment of a percentage of assets in residential mortgages.

CARL M. HALVORSON, PRESIDENT, THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA

Real estate depreciation

States that existing depreciation and recapture rules should be retained for all real

estate. Indicates that the provision in the House bill that would deny all accelerated depreciation to used property and restrict depreciation of new nonresidential property to the 150 percent declining balance method ignores the fact that the greatest economic wastage of real property occurs in the early years of ownership, and that existing accelerated depreciation is necessary to allow recovery of this capital shrinkage.

Believes that the House bill misses the abuses at which it is supposedly aimed. Points out that new residential construction is exempted from the proposed changes in accelerated depreciation (for sound reasons apart from tax policy), even though it is such real estate that is most open to the rapid turnover which is the key to any tax abuse. States that the restrictions on accelerated depreciation in the House bill would apply only to industrial and commercial structures where the opportunities for abuse are negligible, which will greatly decrease the ability of American business to meet foreign competition.

Believes that the existing recapture rules provide a rational and fair inhibition upon the tax abuse by measuring the recapture of depreciation into ordinary income by the length of the taxpayer's holding period. States that the provision in the House bill which would convert all depreciation above straight line to ordinary income upon the sale of real estate penalizes a bona fide long term investor who has not abused the tax laws, and seriously restricts the amount of capital that will be placed into construction of modern facilities.

Capital recovery

Believes that there is a need for reform of capital recovery rules, especially against the background of the proposed repeal of the investment credit. Points out that the cost of machinery is a major factor in the construction industry, and the 5-year life applied to most of the construction equipment ignores the extraordinary abusive working conditions and rate of technological change which makes the equipment substantially useless after a year or two of use.

States that reform should recognize three principles: first, average lives must be based upon the optimum practice for each industry; second, depreciation rules must recognize that some taxpayers have a particular need for rapid replacement; and, third changes in the depreciable lives must not be viewed as revenue gathering or contracyclical devices.

Makes four proposals for depreciation reform. States that two of the proposals, elimination of the reserve ratio test and the amendment of section 167 to eliminate the need to establish salvage value, would simplify tax accounting and eliminate the numerous controversies on audit. States that the third proposal is to codify the guideline depreciable lives, but believes that Congress should recognize that the guidelines are unnecessarily restrictive in their treatment of the construction industry and that 3 years rather than 5 years would be a more realistic average life for construction equipment. Points out that the fourth proposal, to eliminate a $10,000 ceiling upon the additional first year depreciable allowance with a possible reduction in rate, would help compensate for the loss of cash flow that will follow repeal from the investment credit.

Interest on State and local bonds

States that the interest on the obligations of State and local governments should remain tax exempt. Points out that a significant portion of the business of members of their association consists of public construction, and by disrupting the financial manner for State and local securities, the local government will be unable to supply necessary facilities and services.

Depletion rate for sand and gravel

Opposes the reduction of the existing 5-percent depletion rate for sand and gravel. Believes that the proposed reduction can only increase the cost of construction to contractors, who are the primary consumers of sand and gravel.

Foreign tax credit

Opposes the provision in the bill which would effect the country-by-country limitation on the foreign tax credit. Believes that this provision in the House bill would impair the U.S. position in foreign commerce and would frustrate a prime function of the foreign tax credit.

LEON H. KEYSERLING, FORMER CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS, IN PART REPRESENTING REALTY COMMITTEE ON TAXATION AND IN PART AS INDEPENDENT ECONOMIST

General

Considers the House bill to contain many essential and desirable provisions but needs improvement. Cautions, however, against paying too little attention to ultimate general economic and financial effects of the proposal.

Feels that the tax cuts of 1962–65 surrendered too much Federal revenues needed for priority spending; misallocated resources between investment and consumption so as to impair economic equilibrium and work against economic growth, production, and employment; and aggravated inflation and the balance of payments.

Argues that the House bill makes a highly improper distribution of tax relief, and it does not go far enough in redressing the imbalance between investment and consumption. States that the bill discriminates against housing and supportive nonresidential construction investment.

Investment and consumption allocations in the bill

Indicates that, excluding the tax reform provisions, the House bill does not appreciably affect net investment allocations as affected by tax policy, but that the Treasury proposal increases it by $1.1 billion. Considers this to be too much toward investment while investment in many areas is too expansive, and not enough toward private and public consumption. Favors using additional revenues from tightening further on investment in housing and public spending on social needs.

Equity considerations in the bill

Contends that, even with the reforms, the distribution of the tax cuts is highly inequitable. Argues that taxpayers with incomes over $20,000 do not pay a sufficiently higher proportion of their income in taxes of all types (Federal, State, and local). Suggests not reducing the tax rates of those with incomes of over $50,000.

Provisions of bill relating to housing and construction

Maintains that urban renewal also needs adequate nonresidential construction as well as housing, and that the provisions adversely affecting nonresidential construction will also affect housing.

States that there is an alarming long-term decline in housing and nonresidential construction investment in relation to present and future needs.

Considers the tax incentives for real estate to be too little, not excessive. States that the real estate industry's profitability is much lower than others. Notes that the rising interest rates have had the greatest adverse impact on housing.

Asserts that the following provisions of the bill would be damaging to both housing and nonresidential construction: elimination of 150 percent accelerated depreciation for used buildings, the recapture provisions, the treatment of "excess" depreciation under LTP and allocation of deductions, the limitation on interest deductions, and the additional "preference" items proposed by the Treasury. States that the reduction of accelerated depreciation for new nonhousing real estate from 200 to 150 percent is also undesirable.

Contends that the problem with the provisions relating to housing and nonresidential real estate is that "the baby is being thrown out with the bath."

Suggests that an appropriate method to catch those who are "getting away with something" is to limit total allowable deductions so as to permit none to pay no tax, but not to reduce tax incentives in an industry that is vitally needed.

ROBERT H. PEASE, VICE PRESIDENT, MORTGAGE BANKERS ASSOCIATION OF AMERICA

Accelerated depreciation of real estate

States that the combined impact of the House proposals and Treasury's recommendations will strike a devestating blow at the construction industry by making less mortgage money available, and by making equity investment in real estate unattractive.

States that less equity money will be available for real estate projects because the House bill contains a number of provisions which would reduce the ability to obtain a competitive profit. Also, that less mortgage money will be available because the bill is inflationary, the incentives to thrift institutions to invest in mortgages will be reduced, and because no tax is levied on the Federal Land Banks.

In addition, believes the House bill provisions limiting interest deductions, and broadening the definition of investment income to include certain forms of rental income, represent a deterrent to investment in real estate and would be particularly harmful to those forms of real estate, such as shopping centers, customarily occupied on a net lease arrangement.

HARRY NEWMAN, JR., PRESIDENT, INTERNATIONAL COUNCIL OF SHOPPING CENTERS

House proposals affecting real estate

Expresses support for the basic aims of the House bill, but believes it contains provisions having grave implications for those engaged in the development of shopping centers.

States that the House provisions will accelerate the existing trend toward economic consideration of shopping center ownership in the hands of a relatively few large financial institutions and big corporations. Believes it will seriously curtail the construction of small shopping centers, which would eliminate a sizable number of the almost 14 million new low-skill jobs which the shopping center industry would otherwise create by 1980.

States that virtually every shopping owner who is actively operating a center will be subject to the House provision limiting interest deductions because practically every shopping center in the country and its leases qualify as "net leases."

Recommends that the present real estate tax inducements remain in effect, but that an equitable minimum tax law be enacted.

PHILIP N. BROWNSTEIN, ON BEHALF OF THE COUNCIL OF HOUSING PRODUCERS

Accelerated depreciation and recapture

States that the Council was gratified that the House bill recognized the need for continuing accelerated depreciation for new residential construction and the encouragement given to rehabilitation by permitting the amortization of these expenditures over a 60-month period.

Indicates particular concern with the proposed elimination of accelerated depreciation on existing residential property and the treatment of recaptured equity as ordinary income to the extent that accelerated depreciation has been taken on the new residential

property during the period of initial ownership.

States also concern with the depreciation formula for commercial property since residential and commercial development often go hand-in-hand. Points out that adequate commercial facilities are essential if residential construction is to proceed in areas being newly developed.

Points out that the major supplier of mortgage credit for housing are the thrift institutions and that this should be considered when the committee reviews the tax structure of these institutions.

JOSEPH F. SEXTON, CHAIRMAN, FEDERAL LEGISLATIVE COMMITTEE, NATIONAL APARTMENT ASSOCIATION

Real estate depreciation deductions and recapture

Recommends retention of the 150 percent declining balance method of depreciation on used apartments. Contends that the straight-line method is unrealistic in the light of the long useful lives the Treasury has insisted upon. Argues that denial of the 150 percent method will seriously limit the resale market, thereby discouraging the development of new apartment buildings.

Objects to the recapture of all gain as ordinary income to the extent of the depreciation taken in excess of straight-line. Argues that no attempt is made to differentiate between the short-term holder and the long-term investor. Recommends that during the first five years the depreciation in excess of straight-line be taxed as ordinary income but thereafter the percentage so taxed be reduced 1 percent per month.

States that while our economy grew at a rate in excess of 5 percent in the last 8 years and capital investment grew at a rate of almost 10 percent, housing starts grew at a rate of only one-half of 1 percent. Contends that if we do not stimulate housing, the shortages will be further compounded, and rents will rise, causing extreme dislocation to our economy and increasing the need for subsidized housing. Argues that we should increase the supply of housing through tax incentives, if necessary, rather than reduce it by eliminating existing incentives.

Limit on tax preferences

States that although the limit on tax preferences was originally devised to prevent high income persons from escaping taxation, it has been watered down so that its prime target is real estate—the one area in our economy which can stand the least the cutback which would inevitably result from the provisions of the bill.

CARTER L. BURGESS, NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Tax treatment of real estate

States that private investment in the development of low- and moderate-income housing currently depends upon aid provided through both the existing Federal income tax treatment of real estate and the Federal housing subsidy programs. Indicates that the changes in present law contained in the House bill will eliminate much of the incentive for equity investment in low- and moderate-income housing and substantially reduce entrepreneurial interest in this housing.

Points out that although the House bill recognizes a distinction between new housing and other real estate development, it jeopardizes the efforts of Congress to promote the private development of publicly assisted housing and the sale of such housing to low- and moderate-income tenants and tenant oriented organizations. Indicates that this comes at a time when the Nation faces its greatest housing shortage since the immediate postwar years and when the demand for housing by lower income families is particularly acute.

Inclusion of accelerated depreciation in the limit on tax preference

States that the Corporation does not oppose inclusion of accelerated depreciation in the proposed limitation on tax preferences.

Recapture rules

Opposes the provision in the House bill requiring the recapture of depreciation over straight-line, unless a substitute measure is adopted permitting investors to sell low- and moderate-income housing to organizations of tenants on a basis that would allow them to recover their investments after taxes.

Recommendations of alternative recapture provision

Suggests that the House bill be amended to provide that upon the sale of a publicly assisted low- or moderate-income housing project to or for the benefit of persons of low- and moderate-income housing, the seller would recognize gain for Federal income tax purposes only to the extent that the amount realized on such sale exceeds the cost as determined under section 1012 of the Internal Revenue Code.

Hobby losses

Believes that the provision in the House bill might be interpreted to deny to individual investors the right to use tax losses from housing investments to shelter income from other sources. Suggests that clarifying language be added to make the section inapplicable to investment in low- and moderate-income housing.

Limitation on interest deduction

Believes that their projects will meet the criteria contained in the House bill on the limitation on interest deductions, but suggests that the language be clarified to indicate that such projects would not be considered investment property and that interest on mortgage indebtedness incurred would not be subject to the proposed limitation.

BREWSTER IVES, MEMBER, BOARD OF DIRECTORS, TENANT-OWNED APARTMENT ASSOCIATION INC.

Allocation of deductions

Opposes allocation of deductions provision of the bill. Points out that most of the allocable deductions are not related to the production of income, and contends that the source of payment has no bearing on whether they should be allowed. Argues that the proposal will cause serious financial reverses to cooperative apartment home ownership and will stimulate further departures to suburbia.

Limitation on interest deduction

States that it should be made clear in the committee report that the limitation on interest deduction does not apply to interest attributable to the ownership of a cooperative apartment, or to the deduction under section 216(a)(2) of the code. Argues that such interest is similar to interest on home mortgages, which is specifically described in the House committee report as interest to which the limitation does not apply.

WILLIAM H. DOUGHTY, PRESIDENT, NATIONAL ASSOCIATION OF REAL ESTATE INVESTMENT FUNDS

Effect of accelerated depreciation of real estate on earnings and profits

Explains that under the House bill a corporation which uses rapid depreciation methods may deduct only straight-line depreciation in computing earnings and profits—with the result that shareholders may be taxed on distributions in excess of those presently taxed. Explains further that the Revenue Code defines "corporation" to include a real estate investment trust, even though such a trust is not taxed on its real estate investment trust income if it distributes 90 percent or more of that income to its shareholders.

Believes the application of the earnings and profits proposal to real estate investment trusts would frustrate the legislative intent expressed when the special provisions for taxing shareholders of such trusts were enacted in 1960.

Suggests that if the purposes expressed for the enactment of the real estate investment trust provisions are to be preserved and continued, then the proposed rule for the determination of a corporation's earnings and profits available for dividend purposes should not apply to the shareholders of such trusts.

CHALLENGE TO MILITARY SPENDING

Mr. PROXMIRE. Mr. President, an editorial published in today's New York Times contains a balanced and truthful statement concerning the fight many of us made against excessive military spending.

The editorial points out that we have made an important beginning. It notes that the original requests for military authorizations have been reduced in the Senate to $20 billion. It notes that we have subjected the military and its civilian suppliers to unaccustomed scrutiny and have made them squirm. It states that we have laid the groundwork for more extensive reviews not only of the cost but of the rationale of arms systems.

But it also notes that during the recent debate many Senators reverted to their past position and were willing to approve almost anything with a defense label. It rightfully points out that we still have a long way to go before defense costs are brought into reasonable balance and correctly notes that:

> The planes and ships that are being retired (by Pentagon order) are mostly marginal and obsolete.

I commend the editorial to the Senate and the country and ask unanimous consent that it be printed in the RECORD.

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

CHALLENGING THE PENTAGON

The Pentagon has announced plans to cut the Air Force and Marine Corps by 70,000 men by next June and to inactivate 22 naval vessels and 209 aircraft as part of Defense Secretary Melvin R. Laird's effort to reduce military spending by $3 billion in the current fiscal year. Last week the Senate passed a $20-billion military procurement authorization bill that was slightly more than $2 billion below the original request.

These are encouraging signs of a new reluctance in the White House and on Capitol Hill to give the Pentagon all it asks. But these modest checks on military spending do not add up to a really significant shift in national priorities.

Even when Mr. Laird's target of 3.25 million men under arms is reached, the United States will still have more men in its armed forces than China and only slightly less than the Soviet Union although the manpower requirements of both Communist countries should be greater because of their long, disputed border. The planes and ships that are being retired are mostly marginal and obsolete.

As for the procurement cuts, these were principally achieved in the Armed Services Committee under the solicitous eye of Chairman John Stennis of Mississippi and other long-time supporters of the Pentagon. In floor debate, Chairman Stennis and his

friends successfully beat back attempts to curb such dubious and costly projects as the antiballistic missile, a new nuclear carrier (total cost $1.2 billion with escorts!), the C–5A transport plane and a new manned strategic bomber. In spite of shocking disclosures of Pentagon waste and serious doubts raised about the utility of some of the proposed new weapons systems, most Senators reverted to their old habit of pig-in-a-poke approval of anything with a security label.

Meanwhile, the House Armed Services Committee has reported a procurement bill of $21 billion, including almost $1 billion more for building new naval vessels than the Administration had requested. The bill is expected to pass the House with little debate next week.

Congressional challengers of unlimited defense spending have made an important beginning. They have subjected the military and its civilian suppliers to unaccustomed scrutiny and have made them squirm. They have laid the groundwork for more extensive reviews not only of the cost but of the rationale of arms systems. But they still have a long way to go before defense costs are brought into reasonable balance with other Federal activities, many of which are equally important to the nation's long-run security.

ARMS CONTROL AND DISARMAMENT

Mr. MILLER. Mr. President, the June–July issue of Word, a magazine published by the National Council of Catholic Women, contains a most thoughtful and lucid article on "Arms Control and Disarmament." The author is the Reverend R. C. Spillane, S.J., director of the Center for Peace Research at Creighton University in Omaha, Nebr.

Father Spillane points out that the need is greater than ever for "individual concern and support for intelligent efforts toward arms control and disarmament." He suggests that this has become an economic as well as a moral imperative.

Father Spillane does not propose unilateral disarmament, as some suggest. He concludes that:

> Disarmament with security is the only policy rational men—American or Russian—can follow.

He emphasizes the words "with security."

He insists—and I agree—that the individual citizen has a duty to educate himself on the subject of disarmament, so that armed with the facts he will be better able to aid in solving the problem and be better equipped to add to a meaningful discussion on the subject.

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:

ARMS CONTROL AND DISARMAMENT

(By R. C. Spillane)

The United States (and perhaps the Soviet Union) can achieve one goal through a concentrated national effort over the span of one decade while the far more important goal of international harmony remains beyond man's reach.

In 1961 President Kennedy pledged an American moon-landing by the end of the decade. The same year saw the establishment of a new government agency to explore diplomatic and technological means by which this nation, through its chief executive, could make substantial progress in the "new/old frontier" of a world without war. The Arms Control and Disarmament Agency (ACDA) since 1961 has negotiated international agreements which, while in no way as spectacular as a moon landing, may prove to have more lasting benefits to all men: the control and eventual elimination of nuclear weapons. If the international community can create machinery to avoid nuclear warfare, other threats to human survival in the form of chemical or biological weapons can likewise be controlled or removed.

But the United States and, indeed, the Soviet Union as well, is committed to more than nuclear arms control and disarmament. It is the official policy of both superpowers to work toward general and complete disarmament. Unrealistic though this may sound in a cold-war atmosphere bristling with present inventories of nuclear weapons and delivery systems capable of destroying all mankind AND with both governments feverishly at work to augment this capability, disarmament with security is the only policy rational men—American or Russian—can follow.

It is equally apparent to the policy-maker and the "average" citizen alike that the reverse of disarmament, the arms race, has become unacceptably expensive both in terms of its cost and in what could be done with these resources to develop the potential of man in society, national or global. No one needs to be reminded of the expanding U.S. defense budget. This year the defense budget is over $80-billion. In 1961 and 1962 the defense budget was in the $40-billion range. Part of the increase can be blamed on inflation, more of it represents the agonizing burden of Vietnam; but too much is directly attributable to the head-to-head competition between the United States and the Soviet Union for superiority (not sufficiency) in strategic nuclear capability.

Who pays for these presently operational and proposed multi-billion-dollar programs which, if actually used, would destroy human society as we now know it? The federal income tax—individual and corporate—provides funds to pay for roughly half the entire national budget. It is a remarkable coincidence to discover that, in the past few years, the defense budget is almost matched by the income tax. This year the federal government expects to collect a little over $50-billion by taxes on individual incomes, another $30-billion from taxes on corporate income.

On the personal or individual level no one needs to be convinced of the high cost of government, federal, state or local; and he can see easily that higher defense spending will take greater bites out of his income dollar. That is why individual concern and support for intelligent efforts toward arms control and disarmament becomes an economic as well as a moral imperative.

International efforts for arms control and/or disarmament have become almost commonplace in this century, and the incidence of failure needs no elaboration. But with the new weaponry developed since World War II, humanity can now destroy itself in a matter of hours. It's another ball game. This is the reason for the almost continual conferences among nations of the world to prevent global catastrophe by nuclear weapons. If the world community can agree upon acceptable safeguards to prevent nuclear war, mankind through its governments may survive long enough to continue the age-old search for security against conventional warfare.

Nuclear arms control has been the overriding concern of the nations that constitute the Eighteen Nation Disarmament Committee (ENDC) which has met regularly in Geneva since its creation in 1961. Of the five nuclear powers, Red China has refused to join and France withdrew from official participation when General de Gaulle decided that such participation might compromise his nation's program to acquire an independent nuclear capability. Despite the lack of cooperation by France and China, ENDC has given the world significant hopes for the control of nuclear arms and ultimate cutbacks in present armaments. Starting with the Partial Test-Ban Treaty in 1963, ENDC has worked out international agreement to guard against the use and deployment of nuclear weapons in space and has more recently concluded the Non-Proliferation Treaty which was ratified by the U.S. Senate earlier this year. ENDC is currently discussing treaty drafts to bar the emplacement of weapons of mass destruction on the ocean-floor, and next on the agenda is an agreement to limit the size of underground nuclear tests.

The most important thing any citizen can do on the subject of disarmament is to educate himself. One must find out what the problems are, who—individuals and organizations, public and private—are working in the area, and what they have said or are doing. Only then can one, individually or collectively, hope to influence the makers of government policy.

Organizations such as the National Council of Catholic Women with other divisions of the U.S. Catholic Conference, particularly those of United Nations Affairs and World Justice and Peace, issue publications or other releases on the subject of disarmament. Membership in local chapters of the Foreign Policy Association and especially of the United Nations Association of the U.S.A. offers unequalled opportunities for information and action. Specialized reports in the field of disarmament can be obtained at minimal cost from the Disarmament Issues Committee of the United Nations Association of the U.S.A. (345 East 46th St., New York, N.Y. 10017). The best single document on government activity in this field is the annual "Report of the U.S. Arms Control and Disarmament Agency." The current 8th Annual Report of A.C.D.A., Publication 51, can be purchased from the U.S. Government Printing Office for 40 cents.

More important than knowledge, perhaps, is the spirit that motivates human thought and action. An understanding of human frailties, permeated with an habitual respect and affection based on the principle of the brotherhood of man, is essential to even the smallest steps toward a world of justice and peace.

WILL THE 1970 CENSUS INVADE OUR PRIVACY?

Mr. ERVIN. Mr. President, the Sunday, September 21, issue of Family Weekly magazine, contains an article written by me entitled "Will the 1970 Census Invade Our Privacy?"

In reply to the title question, the administration spokesman on this matter, Mr. A. Ross Eckler, says "No." It is a natural reply from one in his position. His Bureau of vast computers operates on a very narrow definition of personal privacy as involving only a problem of confidentiality.

My reply to the question as spelled out in this article is an emphatic "Yes." I say this because I believe that in this era of computers which make it so much easier to conduct surveys, to extract and coerce information of all kinds from citizens, the problem of privacy involved in this matter is essentially one of first amendment freedoms. It involves the right not to be coerced to speak against our will about our personal and family affairs, our thoughts and attitudes, or our community activities.

In addition to these first amendment

problems, it has become clear that decennial census forms, the many other statutory census surveys, the thousands of statistical surveys run by other Federal agencies, all raise serious constitutional issues. There is, for instance, the principle that the law should apply equally to all persons in like circumstances. Why should some citizens be subject to criminal and civil penalties and not others? Why should some be selected for harassment and coercion to supply information about themselves and not others?

There is, furthermore, a constitutional question of the legality of the actions of administrative officials who, in their own unfettered discretion, create a new penalty every time they sanction a new survey questionnaire or add a new question to an old form.

Finally, there is the basic constitutional principle that the people have a right to know when reply to a form is voluntary and when it is not. They have a right to know why the information on a survey form is needed and precisely what will be done with it. They have a right to honest answers to their honest questions.

In return, I believe the American people will provide honest answers to the Government's honest questions..

I especially wanted to bring this article to the attention of the Senate because of the amount of mail it seems to be stimulating. Just this morning, for instance, I received favorable letters of support from Wilmington, N.C.; Orofino, Idaho; Hollywood, Calif.; Ridgewood, N.J.; Bonita Springs, Fla.; Sacramento, Calif; Champaign, Ill.; and Elizabethton, Tenn.

I ask unanimous consent that the article and letter which I received from a woman in Champaign, Ill., be printed in the RECORD.

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

WILL THE 1970 CENSUS INVADE OUR PRIVACY? YES

(By Senator SAM J. ERVIN, JR.)

Do you feel strongly that your personal and financial affairs are nobody else's business? That the First Amendment protects not only your right to speak but also to keep silent about yourself? That a man's home is guaranteed him by the Constitution? That he should not be coerced into disclosing what goes on inside unless he *chooses* to?

Do Governmental threats of fines and jail sentences for declining to answer questions about such intimate matters strike you as being devious?

If so, you are squarely in the American tradition—and also out of step with the creeping erosion of these basic freedoms underlying our 1970 Census. It underlies, as well, hundreds of "mini-censuses" that our Census Bureau conducts for itself and scores of Government agencies between the big decennial head counts authorized by the Constitution.

These statistical surveys are usually unknown yet cover a very diversified range of social and economic categories. No or incorrect responses can carry fines up to $500 and a 60-day jail sentence. These threats are made openly or hinted at, but all are highly questionable constitutionally.

Lately, however, thousands of disturbed and angry citizens from all walks of life have been protesting to Senators and Congressmen. They want guidance and remedial action to bring this dangerous, indiscriminate trend under control.

A minister wrote me recently, saying, "I am deeply concerned, not because of the census or because there are more than 120 questions but over the requirement that one *must* answer *all* questions such as 'Do you have a flush toilet?' or be subject to fine or imprisonment. This is the tactic of a police state! I am tempted to make a test case of this invasion of privacy by refusing to answer some of the questions. I am not sure, though, if my congregation would want their pastor to be a convict!"

A doctor who sells his house is fine-combed for data about his financial affairs totally unrelated to the real-estate disposal. For instance, "How many passenger automobiles are owned or regularly used by members of your household?" A disabled veteran becomes anxious about the possible loss of his disability benefits if he does not complete a Government questionnaire which is accompanied by an authoritative-looking letter that is subtly threatening.

When people fail to knuckle under immediately, they receive stern follow-up letters, a reminder by certified mail, then phone calls.

True, our Government's search for information is frequently in a good cause because of the increasingly complex problems of government. And such a task does demand statistical information of considerable accuracy, if only for the original Census purposes of apportioning Congress and the state legislatures, and of distributing Federal funds.

With the 1970 Census, we will deploy 150,000 census takers and 62 million forms to insure as thorough a canvass as possible of America's households. A new mail-out/mail-back technique will carry the questionnaires to about 60 percent of our homes, and one in five of those homes will receive the "long form" with its 67 subjects and 120 questions.

The cost of this effort is not excessive, about $1 a head or, for our estimated 206 million people, more than $200 million. But as Congressman Jackson E. Betts of the House Subcommittee on Census and Statistics has pointed out, "should a significant number of people remain uncounted because they do not have the eighth-grade education to read the complex form, object to some of the overly personal questions, or resist the harassment of penalties, the cost of the 1970 Census will skyrocket."

Congressman Betts, who is supported by more than 100 of his colleagues in an effort to obtain census reforms that include repeal of the penalty provisions, points to the 5.6 million people who were *missed* in the 1960 Census. "If the mail returns from the most recent pretest city, Trenton, N.J., form a national trend," he warns, "the number of those not counted will be staggering. In Trenton, only 65 percent returned their forms. If projected nationwide, this would mean that more than 70 million might not be counted in the first tabulation."

We can afford perhaps even less the steady breakdown of privacy which the computerization of personal data by Government agencies entails. The Census Bureau claims that it has a flawless record for confidentiality, one outstanding example of which was its refusal to permit Government access to its records to facilitate the round-up of Japanese-Americans at the start of World War II. But the agencies to which it makes its data tapes available seldom maintain the same strict rules.

Moreover, regulations now require that the computer systems of all Government agencies interface. So while we have managed to delay the establishment of a National Data Bank, with built-in privacy safeguards, we already have one fully operating through this Federal-agency computer network.

There is a need to distinguish between confidentiality and privacy. The former is the protection afforded people 1) when it is desirable for them to be free to communicate between each other (as in a husband-wife relation); or 2) to accomplish some good, one should be able to make a statement without fear of it being divulged by the one to whom it is made (as physician and patient or attorney and client). Under this principle of confidentiality, the Census Bureau, when it acquires information for a demonstrated public need, is under a legal obligation not to reveal the information to others.

Within the realm of privacy, however, are those personal matters that one should not be compelled to disclose to anyone against his will.

Too often, the Government compels citizens to disclose personal data for statistical purposes without sufficient proof of need. And there usually is no assurance of confidentiality.

In this decade about to close, we have witnessed a mushroom growth of data-collecting programs, side by side with sophisticated surveillance techniques, and a rapidly spreading trend toward computerization of Government files about the individual. In the process, things have moved much too fast.

Now is the time for Congress to impose controls and standards. In the Senate, I have proposed a bill to delete the penalties for not answering personal questions in the decennial and other censuses unless the answers are needed for standard constitutional purposes. This bill also would protect a person's right to ignore an unwarranted, privacy-invading, Government statistical questionnaire unless it meets certain standards set by Congress. For example, the recipient of a voluntary form must be informed that his response is voluntary, the specific need for the information, and to what use it will be put.

I am convinced that Americans are a law-abiding people and that they will respond to a legitimate and reasonable Governmental request for statistical assistance. Free men in a free society need not be threatened.

SEPTEMBER 22, 1969.

DEAR SENATOR ERVIN: In our Sunday paper of yesterday, an article titled "Will the 1970 Census Invade Our Privacy?", to which your picture and name was attached, I wish to compliment you on your stand, and also hope the wishes of the taxpayers will be considered to halt this invasion.

Did you know that it has begun in Wisconsin? I know of a small town under 700 population where one person living alone has been visited four times and been asked penetrating questions and was told by the lady census taker she would be back four more times in spring of 1970.

This is called harassment—is it not?

Sincerely yours,

——— ———.

CONGRATULATIONS TO MR. JAMES JACKSON

Mr. KENNEDY. Mr. President, I would like to congratulate Mr. James Jackson, president of the tribal council of the Quinault Indians in the State of Washington. Mr. Jackson has been selected to receive the Indian Achievement Award which is awarded annually to an outstanding Indian leader. The importance of the award is signified by the fact that both the past and present Commissioners of Indian Affairs have received the award in previous years.

Mr. Jackson has demonstrated by his dynamic leadership that Indian self-determination is far more than a hollow promise or a glib phrase of Government

officials. Among his many accomplishments are a new tribal fish hatchery, a mutual self-help housing program, a public health clinic, and one of the most unique and promising public school programs for Indian children in the United States.

The Indian Education Subcommittee which I chair, visited the Tahola school on the Quinault Reservation in the spring of 1968, and listened to testimony from one of its Indian school board members in our hearings at Portland. This school has an all-Indian school board, substantial community involvement, and an innovative curriculum which respects cultural differences and strengthens Indian identity. I congratulate Mr. Jackson on his award and the development of one of the finest public school programs for Indian children in the United States.

SENATE JOINT RESOLUTION 111—A SENSIBLE PLAN FOR MEETING AN EMERGENCY

Mr. YARBOROUGH. Mr. President, we have been shocked and saddened by the many lives that were lost and the immense property damage done by Hurricane Camille and the recent Virginia floods. These two major natural disasters dramatically emphasize the importance of Federal emergency loans, such as those made by the Farmers Home Administration, to ranchers and farmers who are victims of these tragedies.

In disasters such as Hurricane Camille and the Virginia floods, local banks and credit institutions are not equipped to cope with the large demands for financial help. Without emergency loans from the Farmers Home Administration, many farmers and ranchers would be unable to replant their crops, replace their livestock, and rebuild their homes. They would be left in an impossible financial situation with no place to turn for help.

At present the emergency loan program of the Federal Home Administration is in serious difficulty. The emergency credit revolving fund from which the Federal Home Administration makes emergency loans to disaster-stricken farmers and ranchers is exhausted. As of March 20, 1969, there were approved loan applications totaling $17 million which could not be made because of a lack of funds. Since the emergency credit revolving fund does not receive an annual appropriation, it is imperative that Congress take immediate action so that this necessary loan program can continue.

The distinguished Senator from South Dakota (Mr. McGOVERN) has introduced Senate Joint Resolution 111 which would provide funds to continue the Farm Home Administration's emergency loan program. This joint resolution would authorize the Commodity Credit Corporation to make temporary advances to the emergency credit revolving fund up to $25 million. These advances would be repaid with interest out of subsequent appropriations. This is a sound and sensible method of meeting this emergency and I am proud to lend my support to this joint resolution.

I urge Senators to support Senate Joint Resolution 111.

VIETNAM

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an open letter to Congress from the bereaved father of a marine who died of a disease contracted in Vietnam.

The letter speaks for itself. I add only my strong personal belief that we, the Congress, can and should take all possible action to require the executive to end the unnecessary and immoral war in Vietnam without further delay. The author of this letter, Mr. Frank H. Mentz, of Sheridan, Ark., has appealed both to our conscience and to our sense of constitutional responsibility. What is our answer?

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

AN OPEN LETTER TO THE CONGRESS OF THE UNITED STATES

We wish to express our sincere thanks to the Congress of the United States for their continuing inactivity in regard to their Constitutional responsibilities regarding the Vietnam war.

Because of your inactivity towards stopping our participation in this useless and senseless war, we have lost our only son, and only child, to a Vietnam contracted disease.

In fact, because I am an only son of an only son, the senseless death of our son will eliminate our family name for all time.

Yes, we know we are not the only ones who have lost a loved one in this nonsensical war—and that makes it even more senseless.

How, Gentlemen, can you justify the loss of over 45,000 young American boys' lives in that hell-on-earth for what we have gotten in return, or ever hope to get in return? In fact, Gentlemen, how can you possibly sleep at night when you know that you have been able all along to stop this useless slaughter, if by no other means, than to stop the flow of money to the Armed Forces.

If I understand our Constitution correctly, *no* President of the United States has the right to commit anywhere near the number of troops being used in Vietnam combat, on foreign soil, without first obtaining the full sanction of the U.S. Congress. Yet you have stood by and let three successive Presidents do just exactly that.

And, Gentlemen, for every week you continue to sit on your hands, another 200–300 or more American boys die over there—and for what.

If this were a war where our National Security was at stake, I, and I'm sure most of the other parents, wives, and children, who have lost a loved one, would accept the inevitable possibility that such a thing could and must happen to some of us.

But to lose one to a war that has no more connection to our national security than this one has—only an imbecile would believe that it was necessary. In fact, it's nothing short of criminal on your part that you sit idly by and let this national disgrace continue.

I know that in all probability, if this letter is ever read to you, it will continue to fall on deaf ears—as all pleas to date have—because I am just another of those poor saps of a good American citizen who continue to believe in this country. But for the memory of my son, I had to try to save some other boy like him. It won't bring my son back, but I can now better live with myself because I tried.

I wonder just how many of *you* have lost a son to the Vietnam fiasco? Maybe, God forbid, if enough of you did, you would do what your oath of office expects of you.

In God's name, Gentlemen, bring our boys home—not in 1970 or 1971—but now.

FRANK H. MENTZ.

ARTICLE III(c) OF THE GENOCIDE CONVENTION DOES NOT ABRIDGE FREE SPEECH

Mr. PROXMIRE. Mr. President, article III of the Genocide Convention lists the following acts as punishable under the convention: the crime of genocide itself, conspiracy to commit genocide, attempt to commit genocide, complicity in genocide, and direct and public incitement to commit genocide.

Objections have been raised to article III(c)'s prohibition against "direct and public incitement to commit genocide." The objection is that by making such conduct criminal the Senate might run afoul of the first amendment of the Constitution. That amendment guarantees that the rights of free speech and freedom of the press must not be abridged.

Mr. President, the Supreme Court has consistently recognized that even rights as sacred as free speech and freedom of the press are not completely unlimited. Public safety and public order cannot be endangered in the name of free speech. Shouting "fire" in a public theater, for example, obviously cannot be condoned—Schenck against United States. Similarly, the Supreme Court has held that speech cannot be tolerated if it represents a direct and immediate danger that the U.S. Government will be overthrown—Dennis against United States.

These cases have come to be recognized as the "clear and present danger"; namely, that the right of free speech shall not be abridged unless or until the speech amounts to a clear and present danger to society. Quite clearly, a direct and public incitement to commit genocide would represent a "clear and present danger" to society, and therefore falls outside the ambit of the first amendment.

Mr. President, there is no valid objection to article III(c) of the Genocide Convention, or to any other article of the convention. I urge the Senate to act now to ratify the Genocide Convention.

IN MEMORIAM: NICOLA PETKOV, "THE BRAVEST DEMOCRAT OF ALL"

Mr. DODD. Mr. President, September 23 marked the 22d anniversary of the execution of Nicola Petkov, leader of the democratic forces in Bulgaria, by the Bulgarian Communist regime.

I think it is appropriate that we in the Senate should mark this anniversary by retelling the story of Petkov's heroic life and tragic death, and I therefore ask unanimous consent to insert into the RECORD at the conclusion of my remarks an article captioned "Bravest Democrat of All," which appeared in the Saturday Evening Post for December 1947. The article was written by Dr. Georgi M. Dimitrov, Petkov's chief colleague in the fight against the Communist takeover of Bulgaria, who today heads the Bulgarian National Committee, the Supreme liberation body in exile.

The number of martyrs to Communist tyranny must by now be numbered in the many millions. The great majority of these were little people who did not seek martyrdom, who barely understood what

was happening to their country, but who paid with their lives because they resisted some aspect of the total tyranny of communism.

However, there have been many of tens of thousands of conscious martyrs who did understand the forces they were up against and who knew only too well the terrible personal danger of opposing them. Of all those who knowingly chose martyrdom in preference to surrender, there was no more heroic or tragic figure than Nicola Petkov.

I would recommend the story of Nicola Petkov's martyrdom in particular to those who tell us that the North Vietnamese Communists are basically nationalists and to those who urge that we impose a coalition government on our South Vietnamese allies.

As Dr. Dimitrov pointed out in his article:

No man believed more sincerely in the possibility of collaborating with the Soviets than did Nicola Petkov. No man paid more dearly for this belief. No man conducted himself with greater courage when once he discovered his error, nor confronted his executors with greater dignity.

The article tells the story of the traitorous invasion of Bulgaria by the Red army in September of 1944. On September 1, the pro-Axis government of Bagrianov was overthrown. On September 6, the new government of Prime Minister Moraviev decided to declare war on Germany, in support of the Allies. But 2 days later, on September 8, the Soviet Union declared war on Bulgaria and the Red army poured over its frontiers.

The article also tells the story of the "salami" tactics which the Communists employed to weaken and finally destroy and illegalize all those parties and organizations that opposed them.

They began with blandishments, and with talk of coalition government. On January 21, 1945, for example, Communist Vice Premier Dobre Tarpeshev gushed:

If I were a woman, I can think of no one I would rather marry than Nicola Petkov.

But soon the blandishments gave way to demands; the demands gave way to threats; and finally, the threats were superseded by the most inhuman kind of political terror.

The article contains the text of a letter written by Petar Koev, one of Nicola Petkov's chief lieutenants, before he finally confessed to the Communist police. This letter is a remarkable document to which I want, in particular, to call attention:

They reduce you to a state of utter moral and physical prostration—

Said Koev's letter—

in which you become indifferent to your fate and to life itself, so that you desire some solution—any solution—so long as it will put an end to the intolerable suffering.

Koev described how he was kept in solitary confinement for 21 days on a diet of bread and water before being interrogated; how he was then interrogated for 5 days without interruption, for 24 hours a day, standing handcuffed in the middle of the room; how he was trussed and beaten on the soles of his feet for hours on end; and how these crude physical tortures were supplemented with refined psychological tortures, such as allusions to the safety of his family and children.

I would call attention, too, to the account of the heroic election campaign conducted by the Bulgarian democratic opposition. With the Red army still in control of the country and with the Communist-controlled police breaking up their meetings, the opposition attacked the Communists and the Soviet interventionists as recklessly as though they enjoyed the protection of the American Constitution.

Elected to parliament despite the terror, Petkov and his following conducted themselves with a heroism that almost defies belief. Repeatedly they were assaulted and beaten up by the pro-Communist majority in parliament. But always they came back to their seats with their heads unbowed. Always they resumed the challenge. Always they remained defiant.

When Communist leader Georgi Dimitrov shouted that the future belonged to the Communists, Petkov intervened:

The future belongs not to you, Mr. Dimitrov, but to the people. You are not a god, Mr. Dimitrov, though you may deceive yourself on this score by taking into your party only those who accept you as their god. . . . Your program is one word: Dictatorship! Our program is also one word: Liberty!

I recommend the article which I am inserting into the RECORD as a classic description of how the Communists move from coalition government to totalitarian dictatorship.

I salute the memory of Nicola Petkov, who has justly been described as "the bravest democrat of all." His memory will, I am certain, remain forever enshrined in the annals of freedom.

Mr. President, I ask unanimous consent to include the article in the RECORD.

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

[From the Saturday Evening Post, Dec. 6, 1947]

BRAVEST DEMOCRAT OF ALL

(By Dr. Georgi Dimitrov, as told to David Martin)

NOTE.—A coincidence in names: Dr. Georgi Dimitrov, leader of the Bulgarian Agrarian Party until Soviet pressure compelled him to resign his post in favor of Nicola Petkov, is an almost legendary figure in Balkan politics. He has the unique distinction of having been arrested by both the fascists and the communists, and having been condemned to death *in abstentia* by both the fascists and the communist regimes. By a strange historical coincidence, Dr. Dimitrov, whom the Communist International regards as its archenemy, bears the same name as his polar opposite, Georgi Dimitrov, premier of Bulgaria and one-time Secretary of the Communist International.

—THE EDITORS.

Nicola Petkov is dead. Bulgaria has lost a truly great patriot, the democratic world has lost a leader who was a moral giant. The three visiting American congressmen who, a week after his death, placed a wreath on his unmarked grave in a Sofia cemetery, did not exaggerate when they described him as "one of the greatest democrats of all time." I think he was the bravest democrat of all.

No man believed more sincerely in the possibility of collaborating with the Soviets than did Nicola Petkov. No man paid more dearly for this belief. No man conducted himself with greater courage when once he discovered his error, nor confronted his executors with greater dignity.

His is a tragedy pregnant with significance for a democratic world that is still contemplating, Hamlet-like, the prose and cons of the very problem on which Petkov met his doom.

Petkov was deprived of his parliamentary immunity on June fifth of this year and immediately arrested. Shortly afterward he was brought to trial on a fantastic list of charges—that he had acted as an agent of foreign powers, that he had participated in a military conspiracy to overthrow the Bulgarian government, that he had urged the peasants to sabotage the regime by destroying their crops. On August sixteenth he was convicted and sentenced to death.

On August eighteenth the State Department addressed a note to the Soviet deputy acting chairman of the Allied Control Commission, urging that the commission review the case of Petkov. The note spoke of "a gross miscarriage of justice" and indicated that the State Department considered the trial of Petkov a violation of the Yalta Agreement, which ostensibly guaranteed the rights of the opposition.

The Soviet replied that intervention on behalf of Petkov would be a violation of Bulgaria's national sovereignty. In the early morning of September twenty-third, Petkov was hanged in Sofia prison. To the last, he stubbornly refused to appeal for clemency, because he held that he had been unjustly convicted.

In striking at Petkov, the dark powers that rule Bulgaria were aiming not so much at Petkov the man as at the United States and western democracy. "If we execute Petkov," reasoned Premier Georgi Dimitrov and the communist hatchetmen, "this will demonstrate to the entire opposition how powerless the great democracies are to defend them, and how senselessly futile their opposition to communism has therefore become. And now that the democracies have made their empty protests on his behalf, our little demonstration will be doubled, reinforced."

Ever since January, 1945, when, under communist pressure, I handed over the secretaryship of our party to Petkov, I have been in direct or indirect touch with either Petkov or mutual colleagues. Before that, I had known him intimately since 1931. I think that I am in a better position than any other man to tell the story of Nicola Petkov and of his disastrous efforts to collaborate with the communists.

Petkov died in the tradition of his family—he came of a family which seems to have been uniquely destined for martyrdom. His father, Dimitar Petkov, lost an arm in the war against the Turks and was decorated by Czar Alexander II of Russia for his bravery. But when he realized that the Russians planned to convert Bulgaria into a province of their own, he turned against them and led an agitation that resulted in the expulsion of Alexander's generals from the country. Several years afterward a grateful people elected him Premier. A stanch upholder of the constitution, he soon came into conflict with the autocratic King Ferdinand I. In 1907, Dimitar Petkov was shot down on Boulevard Alexander II in Sofia by agents of the monarchy.

Petkov's brother, Petko D. Petkov, assumed the leadership of the Agrarian Party after the assassination of the great Alexander Stambulisky on June 14, 1923. Undeterred by threats, Petko Petkov from his seat in parliament mercilessly excoriated the increasingly fascist nature of the regime of Professor Tsankov and continued to fight for Alexander Stambulisky's ideal of Balkan and European federation. On June 14, 1924, one year to the day after the assassination of Stambulisky, he was shot down by assassins

directly in front of the palace. When the day of his funeral arrived, Sofia was inundated by a sea of peasants who flowed to the capital from all over Bulgaria to pay homage to their leader. And now the communist reaction has taken the life of the last male member of the Petkov family.

I first met Nicola Petkov in Paris in 1930. The opposition in Bulgaria was preparing to make a bid for power, and we were anxious to have him join us. Petkov at that time was leading the life of a young aristocrat and had no profound interest in politics. But he was strongly influenced by the memory of his father and his brother, and shortly after the triumph of the opposition in the elections of June, 1931, he assumed the editorship of our party organ.

My first impression of Petkov was not altogether favorable. Though his shoulders were broad and his body seemed strong, he had suffered from various maladies in consequence of which he walked with an awkwardly limp slouch and his hands frequently trembled. His manner was so diffident that his circle of friends was restricted. When he spoke, he invariably looked down to avoid the eyes of his company. This young aristocrat obviously lacked the common touch that his brother Petko had possessed, and it also seemed to me that he lacked the will power and courage of his brother. In this estimate, as events have proved, I was completely mistaken. The limp posture, the trembling hands, the downcast eyes, concealed a spirit as courageous and uncompromising as Petko Petkov at his greatest.

The period of legality lasted for only three years after Petkov's return. In May, 1934, the reaction staged a coup d'etat and installed a dictatorship under the premiership of Kimion Georgiev, who today holds the post of Foreign Minister in the communist government of Bulgaria. In 1938, however, the government again agreed to hold elections, and Petkov was elected deputy. In parliament he conducted himself with boldness, with the result that he was soon expelled by the reactionary majority.

Then came the war. After the defeat of Poland and France, the German pressure on the Balkans grew immeasurably stronger. Aware that this might involve us in the conflict, I approached the leaders of all the democratic and anti-German parties to suggest joint action against such an eventuality. On February 21, 1941, we forwarded to King Boris a memorandum signed by the leaders of ten parties, in which we urged a termination of the government's pro-German policy and adherence to strict neutrality. At four o'clock next morning, I was arrested by the police. When the inspector in charge turned his back to argue with my wife, I escaped out of the kitchen door and over the garden wall.

Anticipating my arrest, I had taken Petkov with me to our final meeting and had introduced him to our leaders. The understanding was that if anything happened to me, he would take over in my stead. I myself, after a period in hiding, escaped from the country via Yugoslavia. When German forces entered Bulgaria on March 1, 1941, Petkov was sent to a concentration camp. He was released some three months later.

Although a tyro in underground activity, Petkov now took to it with the skill of a veteran. My one difference with him was that he collaborated somewhat too closely with the communists. He was sympathetic to Russia and he was impressed by the audacity of the Bulgarian communists. He helped them liberally not merely with his personal funds but even with the funds of the Agrarian Party.

The original united front against the government's pro-German policy had consisted of ten parties ranging from the Communist Party on the left to the conservative democratic parties on the right. Now Petkov was engineered into abandoning this coalition in favor of the Fatherland Front, which included only three major parties—the Agrarians, the Communists and the Socialists—and two minor groupings. Although the program adopted by the Fatherland Front was all that a democrat could have asked, it was obvious from the beginning that the communists would exert far more influence than they could have exerted in a broader coalition.

Petkov was interned again in January, 1944, but released in time to play a leading role in the coup d'état of September 8, 1944. During August, the government of Premier Bagrianov had entered into negotiations for an armistice with Britain and America. For some reason never explained, the British and Americans hedged and made conditions—as though the proximity of the Red Army to the Bulgarian frontier meant nothing at all. On September sixth the government of Moraviev, which had superseded that of Bagrianov on September first, decided to declare war on Germany. The proclamation was not published because certain crypto-communists close to the Minister of War urged postponement until September eighth. On September eighth the Soviet Union, in an act as Machiavellian as its pact with Hitler, declared war on Bulgaria. The Red Army poured over the frontier. That same day the Fatherland Front, with the support of the Military League, staged a coup and arrested the government—which had already declared war on Germany! But the Red Army continued its advance until it stood on Bulgaria's southern frontier, menacing Turkey.

I returned to Sofia on September twenty-third. The moment I crossed the frontier, I was met by a delegation of party members. They said the situation was rapidly building up to catastrophe. Communist-controlled police and the communist-organized militia had already instituted a reign of terror. Hundreds had been arrested, scores had been shot. They implored me to do something.

The narrowness of the Fatherland Front and the timing of its coup had worked in favor of the communists. After the coup, a provisional government had been set up in which the communists had reserved for themselves the Ministry of the Interior and the Ministry of Justice, as well as effective control of the Ministry of War. To their partners of the Fatherland Front they tossed posts of lesser importance; Petkov himself was given a ministry without portfolio.

Petkov was beginning to realize the importance of the concessions which, out of sheer political naïveté, he had made to the communists. His first words to me when we met were, "Thank God you've come back! I'm afraid we've made an awful mess of things!"

He explained that, at the time the government had been formed, the communists, with Russian backing, had posed the matter in such a way that the alternatives seemed to be either a coalition on the terms of the communists or else a government of the Communist Party. "Frankly," he said, "I didn't realize how much I was conceding, otherwise I should have refused."

On October 12, 1944, Petkov left for Moscow as a member of an armistice delegation representing all parties in the Fatherland Front. The armistice was signed on October twenty-eighth. When I met Petkov on his return from Moscow, there was the look of a hunted man in his eyes. "I must speak to you in private," he said in a furtive whisper.

A few hours later we met in his apartment. Petkov, his hands trembling more than usual, began speaking—for the first time in our long friendship he looked directly into my eyes as he spoke. "The Russians want to split our party. Central Europe belongs to the Soviet sphere, they said, and our party could only hope to survive if it purged itself of Doctor Dimitrov and the other anti-Soviet elements. They urged me to assume the leadership to carry out such a program. I tried to tell them that you were a friend of the Russian people, but it wasn't of any use. George Dimitrov especially is dead set against you."

"It isn't just a matter of splitting our party," I replied. "The communists want to destroy our party because they see in the peasant movement the chief obstacle to their dictatorship."

Toward nine o'clock the other ministers of the Agrarian Party came to the apartment. Petkov reported to us on certain personal observations he had made in Russia. The thing that appalled him more than anything else was the fantastic luxury in which the proletarian bureaucrats basked whilst their people were starving. The Bulgarian delegation had been invited to dinner by Georgi Dimitrov, one-time leader of the Bulgarian Communist Party, now a Russian citizen for more than twenty years. The dinner was Oriental in its extravagance. There was course after course after course—caviar, and roast duck and other viands, and rare delicacies that Petkov had seen nowhere since before the war, and vodka served in glasses of pure crystal.

In December, 1944—six weeks after his return from Moscow—the communists informed Petkov that I would have to resign as general secretary of the party, or else. Realizing there was no alternative at this stage, I handed over my office to Petkov, whom the communists made clear they favored. For his part, he still believed he could effect a reconciliation with them. So, Dr. Georgi Dimitrov, the anti-Soviet fanatic, had been removed, and Nicola Petkov, lifelong friend of the Soviets, had taken my place. In a speech on January 21, 1945—the day of my resignation—Communist Vice-Premier Dobre Tarpeshev gushed, "If I were a woman, I can think of no one I would rather marry than Nicola Petkov!"

But it was not long before the communists came forward with new demands. They asked Petkov to dismiss the entire central committee and replace them with men they designated. Petkov, whose resistance was still in the process of hardening, compromised to the extent of accepting a few communist stoogies in subordinate positions and in the youth organization. Further than this he refused to go. For more than three months the communists plied their pressures, waiting for Petkov to weaken. Instead, his attitude grew more stubborn. Finally, realizing that their plan to capture the party through Petkov had failed, they decided on a frontal attack.

Through our own agents in communist headquarters we learned that they were preparing to arrest me and several score of our party leaders. I was to make a "confession," and then disappear in the manner of Bela Kovacs. The others were to be brought to trial, and through my own "confession" and their "confessions" the Agrarian Party was to be so compromised that they would have a legal pretext for outlawing it.

On April twenty-third, while convalescing from a serious attack of pneumonia, I was formally placed under house arrest. Before the police disconnected my telephone, my wife put through a call to Petkov. Ignoring the danger to himself, he immediately came to see me. Trembling with anger, he called the Minister of the Interior, demanding the reason for my arrest. The minister answered coldly that I had been arrested "in the interest of national security."

"In the interest of the national security," replied Petkov, "you are arresting the man who has done more to promote the national security than any other living Bulgarian. Someday you will regret your action."

The Petkov I saw at this last meeting was a completely changed man from the Petkov

of eight months previously. Gone were his illusions about co-operating with the communists. The man with the diffident manner and the downcast eyes had become a lion. He looked both friend and foe squarely in the eyes, and when he spoke to his foes, he literally roared.

On May eighth, the communists convoked a special convention of the "Agrarian Party" attended by several hundred picked stool pigeons. The convention voted in a "new executive." The Ministry of the Interior ruled that our party headquarters, our newspaper, our treasury and all our possessions were the rightful property of this newly elected executive of "the Bulgarian Agrarian Union."

Petkov alone of the old executive was invited to join the new executive. He refused point-blank. Instead, he set up party headquarters in his own home and began to plan a campaign of resistance in open defiance of the secret police.

On May twenty-fourth, I slid down a drain pipe, walked out of the alley dressed in overalls, walked past the communist military guards surrounding the house, and took refuge in the American Embassy. My escape threw a monkey wrench into the preparations the communists were making for their sham trial. Without my confession, the performance would have impressed no one. The trial was called off.

In July the government announced that elections would take place within one month and that there would be only one ticket, the list of the Fatherland Front. Petkov immediately sent a strong letter to the Allied Control Commission, demanding that it guarantee the right of the opposition to its own electoral ticket in accordance with the terms of the Yalta Agreement, and urging that the elections be supervised by an international commission. In early August, without any prior notification to Petkov, the government announced that Petkov had "resigned" his ministry. In protest, all the remaining ministers of the Agrarian Party, the Socialist Party and the Independent Intellectual Party, resigned from the government.

At this point the British and American governments intervened. Apparently yielding to their pressure, the Bulgarian Government agreed to postpone the elections, and to permit opposition candidates. Petkov was permitted officially to re-establish party headquarters and to publish his own newspaper.

But the improvement did not last very long. In violation of their August agreement, the government announced that the elections would be held on November eighteenth. Though the three opposition parties decided to boycott the elections, the campaign was so bitterly fought that the Peasant Party alone had more than a score of its followers killed. The opposition, in a statement signed by Petkov for the Agrarians, Lulchev for the Socialists, and Professor Stoyanov for the Independent Intellectuals, declared that the majority of the people had not voted and that the government had therefore lost the election. They demanded an investigation. The communists replied that the Fatherland Front had got more than 75 per cent of the eligible vote Their collaborators of the Zveno Group, however, put out the slightly more modest figure of 65 per cent. The discrepancy made the people laugh.

At the Moscow Conference of December, 1945, the Russians made one of their many meaningless compromises. They agreed to advise the Bulgarian Government of the desirability of including in the government, during the interim period, two representatives of the opposition. It was no less a person than Deputy Foreign Minister Vishinsky who went to Bulgaria to implement this arrangement. Vishinsky summoned Petkov and two other opposition leaders and said to them—as bluntly as this, "It is the order of Generalissimo Stalin that two members of your combined opposition enter the government immediately and unconditionally."

"I do not take orders from any foreign power," replied Petkov coldly. "I take orders only from my people and my party." Lulchev and Stoyanov backed him up. The conversations with Vishinsky ended.

The communists were worried by Petkov's recalcitrance because they knew that he accurately reflected the temper of the people. After Vishinsky's departure, the government again approached him. This time, to the amazement of all, they accepted almost all of Petkov's conditions, including separate electoral lists and an Agrarian Minister of Justice. The agreement was concluded in the afternoon on March 28, 1946. That same evening, the Soviet minister to Bulgaria, Kirsonov, delivered an ultimatum protesting the agreement. The following morning a government was constituted minus the opposition—and it was announced that there would be elections to a Constituent Assembly on October twenty-seventh.

Petkov now began a campaign which, for sheer heroism, is unsurpassed in the annals of any opposition. With the Red Army still in the country, and with the communist-controlled police breaking up their meetings, the opposition attacked the government and the communists and Soviet intervention as recklessly as though they enjoyed the protection of the American Constitution. Petkov's paper, during the pre-electoral period especially, was an inspiration to read. "What our people must show," said the Banner for October twelfth, "is *de l'audace, et encore de l'audace, et toujours de l'audace!*" The following day, under the caption WHERE ARE THE AGRARIAN DEPUTIES? it charged that the Agrarian Party had not been permitted to put up candidates in 25 per cent of the constituencies and that of the candidates for the other constituencies, almost fifty were under arrest. "Freedom does not come on a silver platter," wrote Petkov on October fifteenth. "Freedom is something for which you must fight."

To the communists' protestations that they had no intention of taking the peasants' property, Petkov replied with the most devastating slogan of the electoral campaign: "As the wolf cannot watch over your flocks, as the fox cannot befriend your hens, so the communists cannot protect private property. Electors! Vote without any fear against the communist constitution, against the communist dictatorship!"

On October twentieth, the opposition finally was granted permission to hold an open meeting in Sofia—without loud-speakers or lights. Despite all the restrictions, more than 200,000 angry peasants swarmed into Sofia and joined the city workers and middle class in the most impressive demonstration of the entire electoral campaign. "Down with the dictatorship!" they roared. "Down with red Fascism! We want Petkov!"

The success of the meeting resulted in an intensification of the terror. In the three days before the elections, twenty-four members of the Agrarian Party were killed. The communist leader, Georgi Dimitrov, who had been a resident of Russia for thirteen years and who had returned to Bulgaria only two days before the election—it is not clear whether he resigned his Soviet citizenship—thundered against Petkov in his first declaration, "We have to remind the leader of the opposition of the fate of Drazha Mihailovich!"

When the election results were announced, the opposition was credited with 101 deputies against 364 for the Fatherland Front. The Agrarian member sent a protest to the Election commission in which he gave details of the terror against the opposition. "What has taken place," he said, "was not an election, but a war between the police and the people. . . . The elections were without any question fraudulent."

When the Constituent Assembly convened on November eighth, the opposition opened the session by shouting, "Long live liberty! Down with the dictatorship!" In the sessions that followed, the figure of Nicola Petkov, hurling castigation and defiance at the communist majority, completely dominated the assembly. Georgi Dimitrov, who, as a proletarian revolutionary, had towered over his Nazi prosecutors at Leipzig, now, as a totalitarian bureaucrat, shrank to the stature of a pygmy. Without either moral or rational ground to stand on, he could do nothing but reply to Petkov with abuse—"anti-Soviet dog" was one choice term—or with crude threats.

When Georgi Dimitrov shouted that the future belonged to the communists, Petkov intervened, "The future belongs not to you, Mr. Dimitrov, but to the people. You are not a god, Mr. Dimitrov, though you may deceive yourself on this score by taking into your party only those who accept you as their god. . . . Your program is one word: Dictatorship! Our program is also one word: Liberty!"

On January 30, 1947, Dimitrov made his first direct threat to Petkov. After roaring that "Koev must be hanged!" (Petar Koev was one of Petkov's chief aides) he went on to say that the government possessed documents involving the leader of the opposition. The following is a condensation of the exchange that took place.

PETKOV: Are you a satrap, that you issue such summary condemnations? After all, you are not a god—you are not even a qualified judge. As for the documents of which you speak, I challenge you to produce them.

DIMITROV: Very soon you will receive your documents. When you do, not one of you will remain in this assembly. There is no place in this assembly for foreign agents.

PETKOV: You speak of foreign agents. . . . For twenty years, you, Mr. Dimitrov, were a citizen of a foreign country. You became a Bulgarian citizen only two days before the election. You have no right even to speak as a Bulgarian.

The battle grew in intensity. On April third, one of the opposition deputies got up and made the accusation that under Article 4 of the armistice, the Communist Party was a fascist organization and should accordingly be dissolved. The communists, outnumbering the opposition almost four to one, rushed across the floor and engaged them in a terribly unequal battle in which many of the opposition were injured. The opposition left the chamber *en masse*, by way of protest.

The next day they were back in their places to renew the struggle. An Agrarian woman deputy charged that the Communist Party was squandering public funds by making all of their members eligible for the special allotments voted to active partisans. Again the communist majority charged the opposition. Again the opposition left the chamber with their heads bloody. Again they came back the following day.

And so it went, until the final arrest of Petkov and the dissolution of his party.

The bulk of the evidence against Petkov consisted of confessions purportedly made by his "fellow conspirators." The most important of these was the "confession" of Petar Koev, the Petkov aide who had been arrested in mid-January, 1947. Koev had been arrested once before, in August, 1946. While he was in prison he had been elected to parliament and, in consequence of parliamentary immunity, he had been released. On his release he sent a letter to his leader, Petkov, which Petkov had the courage to read to the assembly.

"They reduce you to a state of utter moral and physical prostration," said Koev's letter, "in which you become indifferent to your fate

and to life itself, so that you desire some solution—any solution—so long as it will put an end to the intolerable suffering. . . . Contrary to normal juridical procedure, you are condemned first, and it is only afterwards that they begin to search for accusations and proofs. These are obtained by means of three types of torture: physiological torture—hunger, lack of sleep, thirst; physical tortures—beatings and being compelled to stand upright for days and nights on end; psychological tortures—insinuations that your family has been incarcerated, etc.

". . . I remained for twenty-one days in solitary confinement without being interrogated. During this time they subjected me to the hunger treatment—a bit of bread and water each day. . . . The obvious purpose of this treatment is to produce physical attrition and a corresponding weakening of your will. At eight a.m. one Saturday they took me up to the fourth floor to be interrogated. The interrogation went on for five days without interruption, twenty-four hours a day. The interrogator was changed every three hours, while I was compelled to remain standing, handcuffed, without sleep, unable to support myself either against the table or against the wall, without food and—what was cruelest of all during those suffocatingly hot August days and nights—without water. Every three hours the same questions were repeated until I became unconscious. . . . My bare feet swelled to unimaginable proportions. The interrogators showed not the faintest pity. . . . On the fifth day they threw me into an empty cell, where I slept like a dead man for more than twelve hours."

On the four succeeding nights Koev was trussed and beaten on the soles of his feet for three or more hours on end, with interludes during which he was questioned by Inspector Zeyev.

"During the balance of my detention," concluded the letter, "I was asked no questions, but I remained the object of a campaign of moral pressure and psychological terror. They applied refined tortures of such a kind—allusions to the fate of my family, the safety of my children, etc.—that I would honestly have preferred physical tortures."

When Koev was deprived of his parliamentary immunity on the occasion of his second arrest, he made this final declaration before leaving the parliament, "I am innocent. I know, however, that through me you are attempting to strike at the general secretary of our party, Nicola Petkov. My final words are that only the declarations which I made before you now correspond to the truth, and that, if it should happen later that, after a period of 'instruction,' I should make some 'confessions,' they will have been extorted from me by means of violence."

Koev made his "confessions" and was sentenced to twelve years. He will never emerge alive. Petkov, though he defended himself heroically and admitted nothing, was sentenced to death.

I salute the memory of one of the great spirits of our time. To Nicola Petkov there can be no other monument than the liberation of his people from communist tyranny.

TAX-EXEMPT STATUS OF STATE AND LOCAL BONDS

Mr. BAKER. Mr. President, on September 23 I had the opportunity to testify before the Senate Finance Committee on the tax exempt status of State and local securities. I ask unanimous consent that the text of my remarks be printed in full at this point in the RECORD.

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

STATEMENT OF SENATOR HOWARD H. BAKER

Mr. Chairman, the Tax Reform Act of 1969 contains three sections which, if enacted, may adversely affect the ability of state and local governments to meet their capital requirements. The first would impose a limitation on certain tax preferences, including among such preferences interest on state and local securities. The second would require that individuals allocate their deductions between taxable and tax-exempt income, including interest on municipal bonds. The third would permit state and local governments to issue at their option taxable bonds, a portion of the interest on which would be paid by the federal government. In my judgment, these three provisions should be deleted from the House-passed bill.

As I have stated on numerous occasions, I believe that the immunity of state and local governments in the exercise of their legitimate functions from federal taxation is necessary for the preservation of our constitutionally delineated dual sovereignty form of government. I further believe that if the Congress undertakes to encroach upon the tax exemption of state and local securities, it inevitably has the power to control state and local financing and without self-control of its own financing, no government can continue as an independent and autonomous body.

The Tax Reform Act is designed to provide a more equitable distribution of our tax burden. I support this legitimate objective. However, in attempting to insure a more even-handed distribution of the cost of supporting our government, we must consider not only the fair distribution of the federal income tax burden but also the fair distribtuion of the *total* tax burden—federal, state and local.

It is apparent that the limit on tax preferences and the allocation of deductions provisions will, if adopted as passed by the House, result in an increase in municipal interest rates to levels close to those of corporate bonds of similar credit quality. In fact, since the House Ways and Means Committee opened hearings on this question, investment yields on new issues of local government AA-rated bonds have risen 70 base points or from about 5.50 percent to 6.20 percent. If the tax exemption is breached, investors would have little confidence that the advantages to them of holding tax-exempt securities would not be whittled away further, and they would, of course, demand higher interest rates to compensate them for the higher risk in purchasing these securities. As the cost of borrowing increases, state and local taxes, primarily property and sales taxes, will also increase, and the burden of these taxes falls disproportionately on those in the low and middle income groups. Therefore, if the objective is to provide a more equitable distribution of the total tax burden, as I believe it is and should be, then the Congress should not revoke or alter this tax exemption in such a way as to increase the cost of borrowing to state and local governments.

It would be particularly unfortunate to increase the cost of borrowing at this time when the current operating revenue needs of state and local governments are such that proposals for federal revenue sharing are being seriously advocated and widely supported. I believe that the provisions presently in the bill adversely affecting municipal financing are inconsistent with the concept of revenue sharing and the objectives it is designed to achieve. Underlying my strong support for both retention of this tax exemption and the enactment of revenue sharing is the basic conviction that strong and financially viable state and local governments are essential both to a healthy federalism and to the best possible performance of governmental services.

I would like to make one additional point. A considerable amount of the sentiment for tax reform stems from the testimony given by former Secretary of the Treasury Joseph Barr concerning 154 individuals who in the year 1967 had adjusted gross incomes in excess of $200,000 yet paid no federal income taxes. Unfortunately, the impression was allowed to form that this was accomplished to a large measure through municipal bond ownership, even though the data submitted by former Secretary Barr did not include interest on state and local securities among the tax reducing factors utilized by the 154 individuals. Interest on state and local securities is not included within gross income and consequently does not appear at all on the income tax return. For this reason it is most difficult to determine the degree of tax avoidance by individuals holding state and local bonds.

A possible solution to this lack of data might be to require individuals and corporations to disclose on their income tax returns the amount of interest received from tax-exempt securities. If this information were to indicate substantial abuse of this exemption, then I would support a reasonable legislative solution designed to alleviate the problem without adversely affecting the ability of state and local governments to meet their capital requirements.

DEATHS OF ALABAMA SERVICEMEN IN VIETNAM

Mr. ALLEN. Mr. President, the Department of Defense has informed me that through July 16, 1969, a total of 908 Alabama soldiers, sailors, airmen, and marines have died in Vietnam as a result of the conflict in that tragic corner of the world.

It is sad to reflect on this tragic loss of young manhood, Mr. President. Words of sympathy pale into insignificance beside the tears of those families throughout the Nation whose sons and husbands and fathers have paid their ultimate allegiance to our country. I humbly join my fellow Alabamians in saluting these brave and heroic men.

Mr. President, I feel duty bound to ask a small gesture of tribute to those who have put country above self in giving man's greatest sacrifice for his fellow man—his life.

I ask unanimous consent to have printed in the RECORD the names and hometowns of these 908 Alabamians.

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

LIST OF CASUALTIES BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA IN CONNECTION WITH THE CONFLICT IN VIETNAM BY HOMETOWN OF RECORD, FEBRUARY 24, 1969

ARMY

Abston, James Estus, Jr., Cottondale.
Acton, Marion Franklin, Huntsville.
Adams, Walter Lee, McIntosh.
Addison O Neal, West Ensley.
Andrews, Coley L., Mobile.
Ard, Henry, Robertsdale.
Arrington, Samuel W., Jr., Montgomery.
Ball, Jimmy Rex, Rogersville.
Bason, William Alfred II, Huntsville.
Battle, Harold James, Birmingham.
Bearden, Lee V., Stanton.
Bearden, Richard Dewayne, Gadsden.
Beaton, Robert Louis, Mobile.
Bell, David Tomie, Phoenix City.
Bennett, Melvin Leslie, Cordova.
Binion, Thomas, Reform.
Black, Larry Paul, Cordova.

Bradley, Rubin Fletcher, Jackson.
Bright, Billie Wayne, Gaylesville.
Broadhead, Jack Phillip, McCalla.
Brown, Colburn, Birmingham.
Brown, Paul O Neal, Florence.
Bullard, Kenny Wayne, Fairfield.
Burch, Kenneth Edward Ray, Samson.
Butts, Lonnie R., Oneonta.
Byrd, Guy Albert, Enterprise.
Cameron, Bobby Waits, Hayden.
Canada, George Jr., Montgomery.
Carmichael, Alfred Jr., Prichard.
Carson, Charles N., Jr., Ensley.
Carter, Harry Gibson, Montgomery.
Carter, Nathaniel Earl III, Mobile.
Cauley, Aubrey, River Falls.
Chambers, Oscar Edward, Moundville.
Clark, Francis Everette, Mobile.
Clark, Robert Lee, Birmingham.
Clemmons, Jack Elliott, Atmore.
Cleveland, Albert Franklin, Alexander City.
Coats, Douglas, Red Bay.
Cochran, Aaron Washington, Birmingham.
Colston, Louis, Jr., Bessemer.
Cook, Marlin Curtis, Vernon.
Cooper, Herman Lee, Town Creek.
Cotney, Elmer Eugene, Lineville.
Cousette, Joseph, Aliceville.
Cox, Charles Edward, Lexington.
Crain, Robert Victor, Tuscaloosa.
Crenshaw, William Anderson, Mobile.
Crofford, Clinton E., Russellville.
Crowell, Samuel Gerald, Prattville.
Culver, Alfonzie, Elba.
Daniel, Elijah, Jr., Bessemer.
Daniels, Walter Eugene, Mobile.
Darby, Jimmy Earl, Opp.
Davenport, James Donald, Pell City.
Davenport, James Huey, Wedowee.
Davis, Charles William, Tallassee.
Davis, Willie Louis, Luverne.
Dedman, Leslie Paul, Birmingham.
Dickens, David Rudolph, Mobile.
Dillard, Thomas Manuel, Sheffield.
Dixon, Leo Chester, Phenix City.
Doran, Thomas E., Montgomery.
Dorfman, William David, Birmingham.
Duncan, Thomas David, Attilla.
Eidson, Samuel Arlen, North Birmingham.
Elenburg, James Walter, Sumiton.
Elmore, Claude Eugene, Anniston.
Elrod, Jimmy Charles, Pinson.
Estes, Donald Carthel, Auburn.
Evans, Andrew C., Sylacauga.
Evans, James Larry, Florence.
Evans, Johnnie Lee, Birmingham.
Finch, Lamond, Wilkerson, Birmingham.
Ford, Charles Walker, Dothan.
Fox, Carl James, Minter.
Freeman, Garry Don, Fort Payne.
Gamble, James Henry, Bessemer.
Gardner, Fred Michael, Mobile.
Gardner, Roy Edward, Brookside.
Gardner, William Hugh, Jr., Montgomery.
Garrison, Carl Franklin, Clanton.
Garth, Raymond, Tanner.
Gaston, Ross Allen, Fairfield.
Gautney, Earl, Coffee Springs.
Glover, Freddie Bee, Gadsten.
Gordon, Thomas Leslie, Sylacauga.
Gray, Delacey, Elba.
Grove, Richard Craig, Birmingham.
Gunn, Terry Sidney, Mobile.
Gunter, Melvin Wister, Vincent.
Gurley, Thomas, Somerville.
Hammac, Joseph Earl, Brewton.
Hamner, John Albert, Northpost.
Hargrove, James Mabron, Limestone.
Harper, Richard Earl, Birmingham.
Harris, Nathaniel, Besseme.
Harrison, Cleophis, Prichard.
Hatfield, Billy T., Eufaula.
Hayes, Johnny Vance, Birmingham.
Heath, Charles Edward, Talladega.
Hegler, Mose, Jr., Magazine Point.
Hervas, Aaron Kamala, Mobile.
Heyer, Edward E., Prichard.
Higgins, Jerry Wayne, Cordova.
Hill, Eddie Lee, Jr., Mobile.
Hood, Charles Earnest, Opelika.
Howard, James J., Birmingham.
Hudgens, John Wayne, Oxford.
Hudson, Johnny, Birmingham.
Hurd, Lawrence Adams, Margaret.
Ingram, Charles Bernard, Jr., Phenix City.
Johnson, Harry J., Tarrant City.
Johnson, Jerome, Birmingham.
Johnson, Joe Edward, Tuscumbia.
Johnson, Sanford Steven, Tuskegee Institute.
Johnson, Thomas Allen, Athens.
Jones, John Henry, Enterprise.
Kelly, James Mathew, Atmore.
Kendrick, James Calvin, Robertsdale.
King, Felix Deloach, Jr., Florence.
Kinney, Randle, Dothan.
Kistler, Russell Wilford, Dothan.
Knight, Mack Arthur, Lowndes.
Knight, Ralph Max, Attilla.
Lagrand, Robert Henry, Bessemer.
Leatherwood, James, Mobile.
Lee, George Blue, Bay Minette.
Leonard, Matthew, Birmingham.
Likely, James Thomas, Georgiana.
Little, John Edgar, Holt.
Lockett, Cleo, Birmingham.
Long, Charles Edward, Clanton.
Lott, Junior Edward, Athens.
Love, J. C., Black.
Lueallen, Edgar Bowie, Jacksonville.
Madden, James Floyd, Brewton.
Malec, Paul William, Summerdale.
Maness, James Emory, Talladega Springs.
Marsh, Bobby Joe, Oneonta.
Marvin, Joseph, Prattville.
Matthews, Robert L., Huntsville.
McBride, Herman Alvin, Jacksonville.
McCaig, Robert Lee, Florence.
McCary, Charles Wayman, Leighton.
McDuffie, Larry Ray, Phenix City.
McHaney, Carl Jamerson, Uniontown.
McLemore, Taylor Henry, Boligee.
McManus, Charles Verne, Woodland.
McMurray, Johnnie Ray, Dixiana.
Menefee, Gene Allen, Birmingham.
Michael, Don Leslie, Lexington.
Mickens, Eddie James, Parrish.
Milam, Lewis Edward, Gadsden.
Miller, Claude Paul, Saraland.
Mills, Robbie Ray, Phoenix City.
Minor, Randy Mickel, Clanton.
Mitchell, Eugene Emmett, Scottsboro.
Mooney, James, Selma.
Moore, Joseph M., Elba.
Moore, Robert Louis, Montgomery.
Morrison, Billy Joe, Heflin.
Mosier, Robert Keal, Grady.
Murphree, Ira Jerome, Birmingham.
Nailen, James Patrick, Talladega.
Nicholas, Tommy L., Decatur.
Nichols, Larry J., Blue Mountain.
Oakes, Christopher Columbus, Bessemer.
Odom, John Thomas, Alexander City.
Oneal, Victor Hubert, Birmingham.
Otis, Sherman Eldridge, Mobile.
Parker, Udon, Phenix City.
Patty, Dudley Randolph, Montgomery.
Penland, Marvin Kenny, Piedmont.
Perry, George Edward, Birmingham.
Perry, Robert Lewis, Union Springs.
Phillips, Howard Edward, Scottsboro.
Phillips, Orman Dorr, Bremen.
Phillips, William Russell, Enterprise.
Pierce, Edward Davis, Homewood.
Pool, Harold Laverol, Town Creek.
Rand, Earlie, Prichard.
Reed, Willie, Prichard.
Rhodes, Ray Anthony, Moulton.
Robinson, Willie James, Seale.
Rogers, Clayton George, Jr., Bridgeport.
Russell, Floyd H., Jr., Birmingham.
Scarbrough, Ennis Ralph, Birmingham.
Scott, Jimmie L., Montgomery.
Scott, Patterson, Jr., Prichard.
Seawright, William J., Jr., Montgomery.
Shedd, Alton, Joppa.
Sheffield, Anthony D., Huntsville.
Simmons, Obie Clyde, Brewton.
Smith, Charles Warren, Mobile.
Smith, Jack A., Bay Minette.
Smith, James Buford, Phil Campbell.
Smith, James David, Altoona.
Smith, Jeffrey W., Hillsboro.
Smith, Jim L., Birmingham.
Smith, Loughton, Talladega.
Smith, William Cary, Bessemer.
Spencer, Cordell, Bessemer.
Stamey, Jimmy Edward, Saraland.
Stephens, James Rowe, Enterprise.
Stone, Roger Allen, Parish.
Storey, Charles William, Birmingham.
Stoves, Merritt, III, North Birmingham.
Studdard, Finis Roney, Steele.
Suggs, James David, Eufaula.
Taylor, Elmer Jack, Atmore.
Taylor, Jimmie B., Northport.
Thackerson, Walter Anthony, Talladega.
Thomas, Roy Edward, Lafayette.
Townes, Morton Elmer, Jr., Mobile.
Traylor, Wayne McKennely, Heflin.
Troupe, Herman Lee, Tanner.
Turner, Anderson, Bessemer.
Turner, George Allen, Mulga.
Turner, Louis G., Mount Vernon.
Upner, Edward Charles, Anniston.
Uptain, Davis, Fayette.
Vinson, Henry Mitchell, Birmingham.
Walker, Charlie Lewis, Munford.
Wallace, Frankie Lee, Cherokee.
Wallace, Gary Frank, Killen.
Ware, Mack Arthur, Bessemer.
Ware, Matthew, Bessemer.
Watts, Roy Delano, Lanett.
Waxton, Wilbert Eugene, Grand Bay.
Wells, Benjamin G., Madison.
Williams, Gene William, Birmingham.
Williams, Jimmy Laverne, Wetumpka.
Williams, Johhny, Jr., Montgomery.
Williams, Larry Douglas, Birmingham.
Williams, Tommie Lee, Birmingham.
Wilson, Gerald W., Empire.
Winston, James Glennon, St. Elmo.
Woods, Abraham, Marion.
Wright, James Earl, Arab.
Zeigler, Eugene, Montgomery.

AIR FORCE

Brooks, James Foster, Kellyton.
Coughlin, Arthur Raymond, Mobile.
Cunningham, Carey Allen, Collinsville.
Fields, James Lewis, Mobile.
Holbrook, Horace Alvie, Jacksonville.
Middlebrooks, Robert Neal, Ariton.
Mitchell, Andrew C., III, Mobile.
Moon, Jery Rudolph, Lanett.
Rainwater, James Alvin, Jr., Billingsley.
Wilkinson, Joseph E., III, Selma.

MARINE CORPS

Alexander, Bobby Ray, Decatur.
Allen, Robert Warren, Birmingham.
Arnold, Harold, Prichard.
Barnard, Lewis Cecil, Gadsden.
Bexley, Robert Edward, Mobile.
Brock, James Walter, III, Cullman.
Brown, James Homer, Birmingham.
Brown, James Phillip, Harvest.
Bryant, Roger Jerrel, Florence.
Buckley, Robert Earl, Theodore.
Canidate, James Ellis, Montgomery.
Cantrell, Lewis Edward, Centre.
Carver, Jerry Leon, Bridgeport.
Chaffin, Allan Ray, Anniston.
Chambers, Paul Richard, Scottsboro.
Clanton, Charles Benjamin, Mobile.
Clark, J. C., Jr., Fairfield.
Colley, Michael Ira, Birmingham.
Collier, Willie Lester, Birmingham.
Cupp, Ernest Bryan, Hanceville.
Dailey, Francis Edwin, Birmingham.
Davies, Timothy Scott, Mobile.
Day, Charles Tyrone, Montgomery.
Denney, Jimmie Bryson, Gadsden.
Dennis, James Walter, Jr., Montgomery.
Dixon, Lee Artice, Saraland.
Dixon, Leland Francis, Whistler.
Duffy, Patrick Edward, Mobile.
Giles, Leonard Earl, Summerdale.
Gonzalez, Larry Eugene, Atmore.
Hadley, Verlon, Bay Minette.
Hall, Lavle Jimmy, Huntsville.
Hardy, Warren, Jr., Montgomery.
Hasty, William Donald, Birmingham.
Hendrix, Paul George, Hartselle.
Himes, Michael Bruce, Birmingham.

Hollaway, Philip Stephen, Birmingham.
Hose, John Wallace, Jr., Decatur.
Howard, Clarence William, Birmingham.
Hudson, Jimmy Dale, Tallassee.
Huff, James Edmond, Huntsville.
Hunt, William Dickson, Birmingham.
Jackson, Thomas Clayton, Autaugaville.
Jenkins, Frank Paul, Jr., Anniston.
Johnson, Jimmy Earl, Cullman.
Johnson, Richard S., Jr., Tuscumbia.
Kelley, William Robert, Citronelle.
Kiger, James Anthony, Huntsville.
Lafferty, David Nelson, Grand Bay.
Leslie, Roger Lamar, Birmingham.
Lilley, Joseph Emmett, Mobile.
Little, Henry Leon, Tuscaloosa.
Lockhart, Clarence, Seale.
Lowery, Dalton Buster, Brewton.
Lyle, Larry Vann, Birmingham.
Mangrum, George Thomas, Rogersville.
Mann, Carl William, Birmingham.
McCall, Clifford, Birmingham.
McCamble, Robert Lee, Mobile.
McGeever, Thomas Joseph, Mobile.
McGinty, Calvin A., Jr., Tallahassee.
McVay, John Earl, Decatur.
Mitchell, Joseph Robert, Jr., Alexander City.
Mosley, Rayford, Jr., Stapleton.
Murff, Eugene, Montgomery.
Murry, Eugene, Montgomery.
Newcomb, James Dwight, Mobile.
Payne, Lawrence Edward, Tuscaloosa.
Peoples, Eddie Donald, Phenix City.
Perry, James Earl, Huntsville.
Pope, Charles Dean, Anniston.
Presnall, Carl Hamby, Bay Minette.
Price, Marlin Ladon, Mulga.
Randall, James Arthur, Somerville.
Rich, Ronald Dudley, Decatur.
Robinson, Herman Ray, Birmingham.
Robinson, John Leo, Prichard.
Runnels, Glyn Linal, Jr., Birmingham.
Rushing, Michael Gean, Tuscaloosa.
Salter, Charles Lowell, Birmingham.
Sanders, Glenn Edward, Attalla.
Scarborough, Arthur Benjamin, Mobile.
Shaw, William Marshall, Jr., Talladega.
Smith, Clifton Bradley, Midland.
Smith, Malcolm Carlis, Montgomery.
Smith, Rickey Gene, Gadsen.
Smith, Roy, Birmingham.
Spivey, Harley Edwin, Samson.
Stephenson, Waymond Nelson, Anniston.
Tisdale, Henry Carlos, Tuscaloosa.
Toyer, Lee Arthur, Birmingham.
Vinson, Walter Wayne, Birmingham.
Wadsworth, Harry Marshall, Millbrook.
Waldrep, Jimmy Ray, Logan.
Watkins, Harold Eugene, Birmingham.
White, Robert Wayne, Grant.
Wood, David Mitchell, Gordon.
Youngblood, Jimmy Dean, Birmingham.

NAVY

Boston, Donald Earl, Sheffield.
King, Doyle Gaylon, Vinemont.
Sims, Michael Eugene, Mobile.
Weimorts, Robert Franklin, Eight Mile.

ARMY

Adams, Spencer, Mobile.
Alexander, David J., Jr., Anniston.
Allen, William Terry, Enterprise.
Allums, Frederick Larry, Empire.
Ausborn, Donald Eugene, Huntsville.
Avery, Ronnie G., Hamilton.
Baker, Jerry Scruggs, Altoona.
Baker, Melvin, Gadsden.
Baker, Raymond Delmar, Birmingham.
Bell, Jerome, Foster.
Bellomy, Willard Gordon, Woodville.
Benjamin, Richard, Atmore.
Bennett, Jacob, Phenix City.
Bird, Lonie, Semmes.
Blalock, James Terrell, Salem.
Blankenship, Larry J., Midfield.
Booker, Thomas Arthur, Bessemer.
Boyd, Ananias, Shorter.
Brewster, Ollis, Wellington.
Brock, Edward Lee, Florence.
Brown, Bobby James, Bessemer.
Brown, Hugh Bernard III, Talladega.
Burt, James Howard, Ft. Payne.
Busby, Monte Rex, Birmingham.
Cannion, William, Hayneville.
Cannon, Larry George, Oneonta.
Carpenter, Thomas, Jr., Tuscaloosa.
Carter, Hamp, Jr., Bessemer.
Cash, Benny Dale, Ashville.
Causey, Ben Elmore, Jr., Choctaw.
Chambers, Robert D., Camp Hill.
Childers, Virgil Eugene, Sumiton.
Christian, Lytell B., Enterprise.
Clark, Doris Wayne, Tuscumbia.
Coleman, George, Birmingham.
Compton, Johnnie Ray, Sylacauga.
Cook, Larry Davidson, Wetumpka.
Cooper, William Morris, Georgiana.
Cuttrell, Willie James, Wetumpka.
Crews, Thomas Franklin, Marion.
Davis, Cecil Leroy, Birmingham.
Davis, Michael Edward, Gadsden.
Dorough, Jerry Eugene, Springville.
DuBose, Fred Clinton III, Birmingham.
Eatman, Earnest, Jr., Birmingham.
Elliott, Ernest Lee, Dothan.
Erwin, Earl, Jr., Mobile.
Evans, Jerry Thomas, Birmingham.
Ferguson, William Edwin, Gadsden.
Fowler, Robert Allen, Geneva.
Frye, Bobby Sam, Hamilton.
Gardner, Robert Eugene, Sylacauga.
Garner, Jackie Wayne, Gadsden.
Garner, Willie Frank, Town Creek.
Giddens, Horace Gilbert, Jr., Andalusia.
Giles, Willie, Jr., Montgomery.
Glenn, Richard J., Florence.
Godwin, Johnnie Reese, Jr., Montgomery.
Goree, Carlton Travis, Mobile.
Guy, Benny Ross, Tuscaloosa.
Hamilton, Ulys Ford, Spruce Pine.
Hamm, Donald Curtis, Mobile.
Hamner, Charles, Birmingham.
Handley, Howard Brown, Sheffield.
Harrell, Ronnie, Bessemer.
Harris, Edward Leon, North Birmingham.
Harris, Gary Bluitt, Hartselle.
Harris, Jerry Lee, Mobile.
Head, Marvin, Jr., Columbiana.
Heard, Robert Louis, Jackson Gap.
Hill, Jerry Dwain, Lexington.
Hilley, Robert Lee, Attalla.
Hillman, Joseph, III, Piedmont.
Hilyer, Broadus Dale, Opelika.
Hodges, James Dale, Florence.
Hollis, James Augustus, Birmingham.
Holmes, Earnest Paul, Jr., Talladega.
Howell, Preston Lee, Sheffield.
Hughes, Macklin Otis, Pisgah.
Hughey, Edward Wendell, Sprott.
Huie, Robert Andrew, Oneonta.
Hurst, Roosevelt, Jr., Saraland.
Jackson, Crawford, Jr., Mobile.
James, Gerald, Mobile.
Jenkins, William Clarence, Gadsden.
Johnson, Armstead, Castleberry.
Johnson, Curtis, Montgomery.
Johnson, Obbie, Birmingham.
Jones, Jack Marion, Childersburg.
Jones, Joe Louis, Phenix City.
Kelley, Larry Dean, Fultondale.
Kennedy, James, Seale.
King, Robert Henry, Tuscumbia.
Lais, Robert Wallace, Birmingham.
Larry, John Davis, Jr., Birmingham.
Lawrence, Garry Frank, Woodstock.
Lay, Willie Ray, Fairhope.
Ledbetter, David Wayne, Piedmont.
Lee, Charlie Frank, Elba.
Leonard, Sidney Lamar, Gadsden.
Lewter, Stanley Reed, Huntsville.
Lisenby, Donald Eugene, Ozark.
Little, Wallace Sylvester, Riverview.
Lockridge, Jack Ray, Piedmont.
Lundy, Lonnie Eugene, Detroit.
Manning, William Terry, Mobile.
Martin, Hubert William, Oakman.
Martin, Rufus Michael, Birmingham.
Marzenell, Edward, Jr., Birmingham.
Mason, Earnest Lee, Jr., Emelle.
McCain, Michael Clinton, Birmingham.
McDonald, David Letcher, Jasper.
McGee, Robert Lewis, Jr., Russellville.
McKelvey, James Daniel, Florence.
McMurtrey, William Newton, Killen.
Miles, Elijah, Jr., Phenix City.
Minor, Matthew, Jr., Tuscaloosa.
Molton, Kenneth Wayne, Birmingham.
Moncrief, James Ray, Cordova.
Moncus, Bennie Ray, Ft. Payne.
Montgomery, Donald Lee, Cloverdale.
Moore, Leonard David, Bessemer.
Moser, Merrill Andrew, Baldwin.
Mundy, Robert Hal, Anniston.
Murray, Darnell Patrick, Anniston.
Naramore, David A., Jr., Jasper.
Neely, Dan Lee, Birmingham.
Norris, Van Allen, Union Springs.
Ogletree, Young David, Salem.
Oliver, Henry McCarthy, Montgomery.
Owens, David Ray, Athens.
Owens, Dewey Ray, Andalusia.
Page, Roy Donald, Eva.
Palmer, William Herschell, Abbeville.
Parr, Ronald Eugene, Birmingham.
Perkins, Wardell, Gordo.
Peters, Wilbert, Mobile.
Pierce, Jimmy Ray, Prichard.
Pike, Edward Morris, Hanceville.
Poole, Thomas Dewitt, West Blocton.
Presley, Melton Howard, Childersburg.
Pressley, Cornelius, Birmingham.
Prince, Garry Garnett, Birmingham.
Puckett, Jean Wayne, Piedmont.
Purcell, Larry Joe, Empire.
Rawlins, James Patrick, Montgomery.
Richard, Jerry Gordon, Anniston.
Richards, Robert, Birmingham.
Richardson, Donald William, Semmes.
Rodgers, Bobby Ray, Hollywood.
Ross, Luther Julian, Jr., Birmingham.
Salter, Robert Wayne, Parrish.
Samples, Larry, Jr., Henager.
Sawyer, Paul Lewis, Jr., New Brockton.
Schmale, William Otto, Cullman.
Sewell, Johnnie Bruce, Hartselle.
Sewell, Lorenzo, Sayreton.
Simpkins, Wilmer Franklin, Fairfax.
Sisk, Harry Duncan, Huntsville.
Smiley, George Robert, Montgomery.
Smith, Joe Wilkins, Prattville.
Speaks, Mac Wayne, Alexander City.
Stabler, John Leslie, Summerdale.
Standridge, Paul Richard, Anniston.
Stanley, Joe Harry, Altoona.
Stewart, Charlie Aces, Jr., Birmingham.
Stewart, Sam William, Huntsville.
Story, J.C., Bessemer.
Stovall, Charles Allen, Gadsden.
Sullivan, Arnold Hosea, Northport.
Swain, Lee Wesley, Jr., Alpine.
Taylor, Clifton Thomas, Mobile.
Terry, Arie, Decatur.
Thomas, Jimmy Ray, Brewton.
Thomas, Tennyson Aaron, Bessemer.
Townsend, Roosevelt, Mathews.
Turner, David Lee, Lacey Springs.
Underwood, Daniel Ledare, Pisgah.
Voyles, Floyd, Somerville.
Walker, Clifford C., Sheffield.
Ward, Carl Gene, Salem.
Washington, William F., Jr., Birmingham.
Wells, Billy, Northport.
Whan, Vorin Edwin, Jr., Irondale.
White, James David, Prichard.
White, John Oliver, Saraland.
White, Leamuel Artis, Silverhill.
Wiginton, Garry Ray, Sheffield.
Williams, Donald Winslow, Sipsey.
Williams, Melvin Joe, Birmingham.
Williams, Paul Edward, Huntsville.
Wilson, Fred, Birmingham.
Woods, James Arlie, Jasper.
Wooley, Donald, Siluria.
Woolsey, Hilton Edward, Mobile.
Worrell, Hurston Edward, Pittsview.
Young, William Frank, Oxford.

AIR FORCE

Lawrence, Gregory Paul, Phenix City.
Moore, Dallas Henry, Headland.
Yeend, Richard C., Jr., Mobile.

MARINE CORPS

Angerman, Donald Edward, Birmingham.
Avery, John Mark, Cottondale.
Ayers, Lesley Steven, Huntsville.
Ballew, Arthur Clay, Gadsden.
Beck, John Theron, Gordo.
Calhoun, Franchot Tone, Anniston.
Chastant, Rodney Rene, Mobile.
Clark, Larry Gene, Huntsville.
Craft, James David, Anniston.
Cruitt, Michael Douglas, Cullman.
Dalhouse, John Dudley, Montgomery.
Davis, Curry Barry, Roanoke.
Downs, Vernon Lerdy, Jr., Huntsville.
Edwards, Joseph William, Mobile.
Faulks, Willie James, Montgomery.
Ford, Clifford Eugene, Jr., Jacksonville.
Ford, Glenn Edward, Gadsden.
Gaines, Allan Joseph, Tuscaloosa.
Gaines, Wordell, Tuscaloosa.
Gentry, Oscar, Jr., Birmingham.
Hammonds, James Robert, Evergreen.
Harris, Frank Cay, Mobile.
Holland, James Larry, Boaz.
Hollimon, Billy Michael, Mount Hope.
Hubbard, Robert Walker, Auburn.
Jackson, Billy Lee, Saraland.
Johns, Carey Lee, Oneonta.
Johns, Michael Wayne, Andalusia.
Johnson, Lile Lamar, Jr., Mobile.
Jones, Jimmie Lee, Cordova.
Jones, John Henry, Jr., Phenix City.
Joshua, James Edward Jr., Gadsden.
King, Argestlar, Jr., Birmingham.
Kuhse, Michael Darrell, Huntsville.
Leland, Leroy, Jr., Theodore.
Littlefield, Robert Henry, Birmingham.
Lloyd, Rodney Dale, Birmingham.
Lloyd, Ronald Edward, Mobile.
Long, Michael David, Oneonta.
Lovelady, Ronald David, Cullman.
Lowe, Louis Cardell, Tuscaloosa.
Magnusson, Fred Wayne, Ardmore.
Marshall, James Conrad, Monroeville.
McCarty, Billy Joe, Wilmer.
McCorkel, James Edward, Whistler.
McGee, Danny Albert, Florence.
McLester, Sherman Douglas, Anniston.
Meads, Herbert Lynn, Huntsville.
Merritt, Allen Twiggs IV, Atmore.
Miller, Ormond Mitchell, Gadsden.
Mitchell, Homer, Jr., Montgomery.
Monroe, Wilber Dean, Langdale.
Moore, Roy Lee, Madison.
Mullins, Arthur Brent, Mobile.
Nelson, Roger Tilton, Gadsden.
Norsworthy, Jimmy Layne, Brantley.
Pate, William Lawrence, Robertsdale.
Pearson, Carl Oscar, Jr., Silverhill.
Pendergrass, Vernon Frankl, Birmingham.
Randall, Simon, Birmingham.
Raynor, James Daniel, Empire.
Reynolds, John Henry, Bessemer.
Rice, Robert Ivan, Huntsville.
Ritch, John Gwin, Parrish.
Rogers, William T. IV, Montgomery.
Salter, Dwayne Lamont, Evergreen.
Scott, James Frank, Mobile.
Scott, Johnny Major, Jr., Mobile.
Scroggins, Douglas Sidney, Wing.
Senn, Thomas Larry, Lanett.
Shaw, James Douglas, Birmingham.
Smith, Arthur C., Glen Allen.
Smith, Hurley Alvin, Dothan.
Smith, Ronnie Wayne, Huntsville.
Smith, Samuel Thomas, Jr., Huntsville.
Sterns, Randolph Joel, Tuscaloosa.
Taylor, Robert Hildreth, Birmingham.
Thrift, Fred Lewis, Mobile.
Tulbert, Reginald Gay, Wagarville.
Turner, William Oliver, Phenix City.
Walbridge, George Wilcox, Huntsville.
Waldrop, Raymond Clarence, Albertville.
Ward, Wayne Levoyer, Mobile.
Wesley, Marvin, Jr., Guin.
Westbrook, Dennis Franklin, Prichard.
Wilder, Steve Clifton, Birmingham.
Winston, William Curtis, Roanoke.
Winter, John Wesley, Brewton.
Wyrosdic, William Everett, Mobile.
Yerion, Jeffery Allen, Dothan.

NAVY

Allen, Granville Joel, Jr., Birmingham.
Collier, Jerry Lamayne, Boaz.
Dennis, William Earl, Birmingham.
Morris, William I. III, Mobile.
Pettis, Thomas Edwin, Mobile.

ARMY

Barber, Chadwick McFall, Florence.
Barksdale, William Howard, Fyffe.
Barnett, Donald Eugene, Anniston.
Belt, Arthur Lavine, Prichard.
Bishop, James Arthur, Gallion.
Bishop, Woodrow Wilson, Jr., Northport.
Boles, Fletcher W., II, Tuscaloosa.
Boyer, Larry Eugene, Birmingham.
Bradberry, Arthur Milton, Gadsden.
Brooks, William Lee, Montgomery.
Brown, Walter Evans, Jr., Bessemer.
Bryan, Franklin Delano, Lynn.
Caldwell, Henry, Jr., Birmingham.
Cardwell, Henry Waters, Bessemer.
Chapman, Willie James, Jackson.
Clark, Bobby Dean, Bexar.
Clark, Richard, Tallassee.
Cline, Donald Leo, Huntsville.
Collins, Jerome Liston, Magnolia Springs.
Combs, John Beechly, Mobile.
Creaghead, Clarence, Bessemer.
Crody, Ronald Isaac, Enterprise.
Crowe, Ronald Gary, Prattville.
Crump, Jack Vann, Sulligent.
Daniel, Robert G., Bridgeport.
De Priest, John Thomas, Mobile.
Dilbeck, Lonnie Adken, Fairhope.
Dixon, Louis Krimmit, Mobile.
Dobynes, Joseph James, Marion.
Duke, Billy Wayne, Albertville.
Dunn, Ralph Gerald, Andalusia.
Enfinger, Kenneth Earl, Ozark.
Fields, James Ronald, Millport.
Fields, William Michael, Evergreen.
Ford, Edward, Birmingham.
Forrester, Joel Wayne, Florence.
Franklin, James Anthony, Prichard.
Freeman, Jimmy Grant, Talladega.
Frowner, Edward, Manila.
Gohagin, James Rayford, Atmore.
Golden, George Kenneth, Eva.
Goodwin, Paul Venon, Anniston.
Gordon, Ernest Lee, Birmingham.
Graham, Roger Lee, Aliceville.
Grayson, Ronnie Paul, Ensley.
Gregory, William Robert, Dothan.
Gulley, Percy Lee, Jr., Plateau.
Harris, Benjamin, Hillsboro.
Hocutt, Larry Keith, Mobile.
Hughes, Errol Arthur, Oxford.
Hullett, Nathan Earl, Birmingham.
Isaac, James Edward, Jr., Daleville.
Jackson, George Emmett, Sulligent.
Jones, Albert Junior, Rogersville.
Jones, Louis Henderson, Foley.
June, Jeremiah, Birmingham.
Kelly, Donald Lynn, Hartford.
Kenney, Joseph Hayden, Opelika.
Looney, Milford, Jr., Ragland.
Lyle, John Bruce, Athens.
McAdams, Edgar Gregory, Daphne.
Motley, John Larry, Jr., Birmingham.
Nathan, Ralph Eugene, Uniontown.
Oliver, Roger Lee, Sylacauga.
Overton, William Hilliard, Decatur.
Owens, Thomas Earl, Wetumpka.
Patterson, Samuel Lee, Hueytown.
Pence, James Thomas, Birmingham.
Penn, Roosevelt Franklin, Fulton.
Peoples, Paul Joseph, Mount Vernon.
Pettis, Billy Wayne, Castleberry.
Polk, Kenneth Erbie, Pleasant Grove.
Presley, Andrew Lee, Jr., Mobile.
Ratcliff, Jackie Lee, Birmingham.
Smith, William Hoyt, Heflin.
Steele, Townser, Jr., Selma.
Stephens, Gerald Wayne, Fort Payne.
Stoffregen, Roy Dixon, Munford.
Sturma, Charles Frank, Silver Hill.
Sutton, James Kenneth, Andalusia.
Taylor, Clarence, Greenville.
Taylor, De Wayne, Birmingham.
Thomas, Howard Ray, Jr., Oxford.
Thomas, Larry Benjamin, Atmore.
Truelove, James Melvin, Sulligent.
Waddle, Sammie Wayne, Bremen.
Walker, Charles Clarence, Eufaula.
Wallace, Willie Lewis, Madison.
Wiggins, David, Roger, Monroeville.
Willis, Larry Wayne, Russellville.
Woodall, Charles Minor, Town Creek.

AIR FORCE

Evans, Douglas McArthur, Ramer.

MARINE CORPS

Bice, Jimmie Ray, Birmingham.
Busby, Sam William, St. Stephens.
Calender, Marshall Lee, Rockford.
Copeland, Samuel Champion, Birmingham.
Davis, Emmett Lee, Vincent.
Drysdale, Charles Douglas, Birmingham.
Franklin, Ira Melton, Jr., Birmingham.
Gill, Robert Earl, Mobile.
Holmes, Leonard Hugh, Talladega.
Keefe, Floyd Milton, Montgomery.
Lane, Gerald Bruce, Hartselle.
Lovett, Terry Wayne, Clanton.
Mallory, David Allen, Huntsville.
Martin, Charles Edward, East Gadsden.
Northington, William Clyde, Prattville.
Palmieri, David Harold, Hudson.
Patrick, Danny Leon, Mobile.
Patterson, Booker T., Jr., Jacksonville.
Phillips, James Lester, Cropwell.
Sargent, George Thomas, Jr., Auburn.
Smith, Clinton Daniel, Yellow Pine.
Stamps, Johnny Green, Gadsden.
Tolsma, Raymond Earl, Prichard.
Traylor, Fred Edward, Heflin.
Watkins, Joel Keith, Troy.
Williams, Robert Cleven, Greensboro.

NAVY

Boone, William Edward IV, Tuskegee.
Dees, Edgar Allen, Jr., Mobile.
Greene, James Etheridge, Jr., Auburn.
Hamner, Theodore S., III, Tuscaloosa.
Hunt, Larry Frank, Gadsden.
Sellers, Melvin Louis, Phenix City.

ARMY

Evans, Rodney Joseph, Florala.
Hall, Bryon Royce, Henagar.
Parker, Johnny Kendrick, Bay Minette.
Peterson, Julius Lee, Birmingham.
Raspberry, Lawrence, Fairfield.
Terry, Bill Henry, Jr., Birmingham.

MARINE CORPS

Beasley, George Hutchinson, Montgomery.
Suttle, William Earl, Prattville.

NAVY

Keene, Glen Cameron, Jr., Fairhope.

ARMY

Abrams, Tmothy C., Jr., Tuscaloosa.
Allen, William Terry, Enterprise.
Blackmon, Dennis Glenn, Elberta.
Brown, Carl, Northport.
Cary, Willie B., Brighton.
Childers, Phillip Don, Florence.
Coker, Samuel Earl, Florence.
Cotton, Thomas Wayne, Brilliant.
Evans, Thomas C., Bessemer.
Freeman, David Harold, Gadsden.
Fulghum, Jackie, Junior, Hanceville.
Gentle, Clyde Glenn, Woodville.
Gilder, Lewis C., Mount Meigs.
Gilmore, Ronald, Dozier.
Glover, Robert Branch, Cullman.
Goawin, William Riley, Birmingham.
Hammer, Billy Gene, Enterprise.
Hicks, Woodie Lee, Cordova.
Hill, William B., Jr., Birmingham.
Hitt, Roy Marvin, Jr., Bessemer.
Hollowell, William Byard, Birmingham.
Howard, Theodore, Prichard.
Johnson, Freddie Lee, Selma.
Kirby, Rance A., Wedowee.
Kirksey, Robert L., Mobile.
Latta, Charles R., Gadsden.
Leatherwood, William Elber, Carrollton.
Legg, John Duane, Chickasaw.
McCutchen, George, Scottsboro.
McNabb, Jerry Wayne, Gadsden.

Meacham, Jack Bennie, Mobile.
Miller, Frank Leonard, III, Montgomery.
Moton, Eddie Lee, Jr., Talladega.
Nelson, Darrol Oren, Calhoun.
Pace, Danny Wayne, Tuscumbia.
Piper, Edward Roger, Thorsby.
Poole, Conrad Earl, Oneonta.
Robertson, Benjamin F., Jr., Tuscaloosa.
Skinner, James Allen, Montgomery.
Smith, Mose, Jr., Cuba.
Sutton, Travis Robert, Andalusia.
Thompson, Farley Dee, Sheffield.
Tiller, Robert, Birmingham.
Turner, Claude Tyler, Wilmer.
Williams, Sherman Elliot, Birmingham.
Williams, Thaddeus Edward, Mobile.
Woodard, Harry Donald, Saraland.
Young, Claude, Birmingham.

AIR FORCE

Bunch, Claude Marvin, Helena.
Hansen, Lowell C., Dothan.
Holden, Alfred Jefferson, Jacksonville.
Mosley, Edward, Fairhope.
Smith, Norris Ray, Birmingham.
Welborn, Melvin D. Neal, Phil Campbell.

MARINE CORPS

Andrews, Clifton Bishop, Fulton.
Bailey, John Howard, Docena.
Bentley, Cobbie James, Birmingham.
Dillworth, Earl, Jr., Sheffield.
Dunaway, Gordon Herbert, Alexander City.
Foreman, Auburn Wood, Jr., Attalla.
Greer, Larry Wayne, Altoona.
Guyer, Ronald Lynn, Tuscaloosa.
Hall, Jefferson Davis, Hartford.
Johnson, William Horace, Jr., Bessemer.
Langley, Francis Lee, Waverly.
Morgan, Jesse Frank, Camden.
Phillips, Leonard, Hueytown.
Shafer, Glenn Wesley, Odenville.

NAVY

Blakely, Josslyn F., Jr., Montevallo.
Jones, James Gradey, Birmingham.

ARMY

Beard, Alexander, Mobile.
Brown, Carl Lee, Selma.
Cahela, Gerald Alan, Bessemer.
Chandler, Leonard Oneal, Clanton.
Clanton, Louis Lamar, Collinsville.
Crockett, James Larry, Scottsboro.
Davis, Albert, Prattville.
Ervin, Clifford Leon, Heflin.
Floyd, John Douglas, Montgomery.
Heard, James Robert, Jr., St. Clair.
Hodges, Bennie E., Vernon.
Hurst, William Joseph, Cropwell.
Jacobs, Perry Owen, Sylacauga.
Kizziah, Jerry Wayne, North Birmingham.
McMillian, Solomon Leon, Alexandria.
Milligan, Johnson Marcus, East Brewton.
Nix, Edward Lewis, Alpine.
Pendley, William Grant, Carbon Hill.
Peoples, Howard Gregory, Fayette.
Purser, Charles Edward, Tuscaloosa.
Thompson, Benjamin A., Jr., Saraland.
Westbrook, Roy Thomas, Whistler.
Williams, Donald Lee, Huntsville.
Wilson, Dale Keith, Tallassee.
Wilson, Willie Gene, Talladega.
Winchester, Larry Alden, Mobile.

AIR FORCE

Fox, Amos Glover, Birmingham.
Phillips, Elbert Austin, Huntsville.

MARINE CORPS

Baker, Ernest Austin, Jr., Opelika.
Horsley, Larry Frank, Birmingham.
Maxwell, William Elbert, Tuscaloosa.
Smith, Henry Beall, Jr., Andalusia.
Smith, Samuel David, Cordova.
Thomas, Wilton Herman, Birmingham.
White, Raymond, Slocomb.
Woods, Jerry Otis, Huntsville.

NAVY

Burnett, Donald Frederick, Montgomery.

ARMY

Allums, Allen Wayne, Enterprise.
Barge, Frederick Douglas, Selma.
Bouyer, James Earl, Prattville.
Chandler, Larry Delynn, Huntsville.
Herring, David Bounds, Mobile.
Lovell, James Richard, Anniston.
Nelson, Charles, Birmingham.
Robinson, Charlie, Jr., Mountain Creek.
Sims, Thomas James, Montgomery.
Stephens, Larry Eugene, Walker.
White, Ted Arnold, Dickinson.

MARINE CORPS

Blackston, Donald Lamar, Whistler.
Corwin, John James, II, Crawfordsville.
Pyle, Timothy Howard, Mobile.
Rush, Theodore Marshall, Birmingham.
Shelton, Charles Howard, Huntsville.
Vix, Stephen August, Jr., Mobile.
Willis, Raymond Conluis, Gadsden.

ARMY

Nall, John Truman, Birmingham.

NAVY

Taylor, Charles Stockton, Huntsville.

SPACE VERSUS DOMESTIC PRIORITIES

Mr. GURNEY. Mr. President, I am pleased to insert into the CONGRESSIONAL RECORD a letter I received recently from Mr. G. A. McPhillips, 108 Ponderosa Lane, Titusville, Fla. Mr. McPhillips, I feel, did an outstanding job of presenting some of the pros and cons of expenditures in space versus domestic priorities.

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

A quarter of a million dollar camera sits uselessly in the dust of the moon, left there by the Apollo 11 astronauts. More accurately, it should be described as a camera which represents a quarter million dollar investment in technical skill and labor. It was abandoned to its lunar resting place in order to achieve less weight and additional precious space aboard the returning spacecraft. The critical liftoff from the moon's surface demanded not an ounce of superfluous weight.

What the critics of this seemingly extravagant waste of equipment fail to take into consideration is that the value of the camera's component parts is the smallest portion of that quarter million dollars. The largest percentage of its cost stayed right here on earth in the form of paychecks of those who were employed in its production. Not included in this price is the invaluable knowledge gained in how to build a better camera.

So, too, the whole space program is viewed by these same critics through a narrowly focused lens. "Why spend billions on space," they ask, "when we have so many unsolved problems right here at home?" The American citizen is entitled to have a fair answer to these questions, especially when he has his own problems of increasing taxes and the rising cost of living with which to contend. True, he was captivated and awed by the lustre of the unmatched adventure of the Moon Landing, but now that the excitement has died he may ask himself, "Why do it at all? What will it gain?"

Many articles have been written and opinions offered regarding this question of new directions and priorities for our space program. Yet, to my knowledge, none have offered a concise summary which would justify continued strong national motivation. Since I work for an aerospace company my statements may be regarded as biased, and perhaps they are, but biased or not, I believe they will at least partially answer those questions of "Why?" and "What?"

First, why does man undertake such an adventure as the conquest of space? Curiosity about the unknown; quest for more knowledge; desire for achievement; expansion of his domain; desire for recognition; and enlargement of his creativity are some of the reasons. To varying degrees these motives exist in all of man's undertakings. But I should like to point out that it is significant that these same desires and motives have been used to justify wars. Man has now found a way to channel his great technological energy into a project that does not lead to human suffering. Indeed, it has already harvested benefits for mankind and will continue to do so in an ever increasing scale.

Sixty years ago man flew for the first time. What was the general opinion of the worth of that achievement at that time? Man is embarking on another adventure now just as he did then. Only the scale of the undertaking is different. Instead of involving just a handful of people, all mankind is involved. Isn't this a nobler endeavor in support of the cause of peace than the questionable methods now being employed by some disoriented members of society?

Second, I think that when we put our space expenditures in their proper relationship to all of our other economic efforts, we will see that continued participation and effort is fully justified. Here are a few statistics which may help to enlighten those who may doubt the need for continued space effort.

The gross national product of the United States is some 900 billion dollars. Our space effort amounts to one-half of one percent of this figure. Our annual budget for Health, Education and Welfare amounts to fifty-eight billion dollars. Yet, there are those who would discontinue the space expenditures and transfer this money and effort to the relief of urban problems, or the creation of more jobs. This doesn't make sense. In the first place, the space program has created may thousands of jobs. Spinoffs consisting of new products, materials and processes have created many more jobs not related to space efforts. The addition of 4 billion dollars from the space program to the 58 billion already assigned to Health, Education and Welfare isn't going to significantly change or improve those efforts.

The important thing to bear in mind is that the money spent on the space effort hasn't all been sent out into space with the rockets. The only loss sustained is in a few tons of metal and gases. The giant portion of the space industry's expenditures has been kept right here, providing thousands of jobs and producing tangible benefits.

Some say that we should now apply our space technology concepts to solving the problems of the ghettos and general urban blight, and that these problems should be given priority over space endeavors. May I point out that the space program has never enjoyed what could be termed a national priority. A national goal, yes, but not a priority. Two percent of the nation's yearly budget doesn't constitute a very high priority. Not when we can compare it to the annual expenditures in consumption of cosmetics or tobacco.

We have the resources and the ability to enrich the growth of mankind. To allow these efforts to be subordinated by the arguments discussed above would be like telling those who sought to follow in the footsteps of Columbus, that the unknown returns for the expense of the effort weren't worth the trip.

FEDERAL REVENUE SHARING

Mr. BAKER. Mr. President, on September 25, Mr. Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy, and Mr. Richard P. Nathan, Assistant Director of the Bureau of the Budget, testified before the Subcommittee on Intergovernmental Rela-

tions of the Government Operations Committee on the concept of Federal revenue sharing.

I ask unanimous consent that these two very excellent statements be printed in full at this point in the RECORD.

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

STATEMENT BY THE HONORABLE MURRAY L. WEIDENBAUM, ASSISTANT SECRETARY OF THE TREASURY FOR ECONOMIC POLICY, ON S. 2483, SEPTEMBER 25, 1969

Mr. Chairman and Members of the Subcommittee: I welcome this opportunity to appear before your Subcommittee to present the Administration's views on S. 2483. We are particularly interested in the substance of this bill since it relates directly to a major item in the President's domestic program—the effort to establish a healthy balance in our federal system of government. It is clear from Section 2 (a) of the bill that its general purposes conform with ours: to provide both the encouragement and the resources for state and local governments to exercise leadership in solving their own problems.

As you know, Mr. Chairman, there are basically two kinds of arguments to be made in support of a program which transfers both financial resources and decision-making responsibility from the central government to the state and local governments. One set of arguments centers around considerations of administrative efficiency, institutional responsiveness, and local determination. These factors support the contention that too often the decision-making authority and institutional apparatus are removed from the source of many public problems. The other set of arguments centers around considerations of fiscal capacity, taxing systems, and public resource allocation. These factors support the contention that a basic imbalance exists between the normal budgetary positions of the Federal and local governments.

In his message to the Congress on revenue sharing, the President devoted considerable attention to these arguments—emphasizing that a definite need existed to redefine the roles of the various levels of government. A copy of the President's message and supporting documents are appended to this statement. I would like to concentrate today on some of the economic arguments for general intergovernmental assistance and revenue sharing.

As a student of public finance I am impressed by the broad agreement among analysts of all political persuasions that a strong financial case exists for general Federal aid to state and local governments. They all note that Federal tax collections are more responsive to economic growth than state and local revenue collections. At the same time, expenditure requirements of state and local governments tend to rise more rapidly than economic and population growth or the peacetime requirements of existing Federal programs. The end result of these divergent trends is the troublesome "fiscal mismatch" which so many students of the intergovernmental financial situation have discussed.

This basic economic argument for financial assistance is persuasive and widely held. The point that does engender discussion concerns the form that this Federal assistance should take.

More specifically, we see the question as being: "Given the near-term budgetary outlook, how can we most effectively provide general assistance to state and local governments with the limited federal funds available?" Among the alternative forms of possible additional assistance—revenue sharing, tax credits, additional categorical grants, federal assumption of local functions—we have come down strongly in favor of revenue sharing. It is the one form of assistance which meets the financial plight of state and local governments directly. Revenue sharing involves no increase in Federal requirements or administrative burdens. Unlike tax credits, revenue sharing avoids the pressures of interstate competition. And revenue sharing permits discretionary resource allocation by those elected officials in a position to evaluate local needs.

With this commitment to revenue sharing as the preferred method of general assistance to local governments, the remaining requirement is to design a revenue-sharing proposal which satisfies some basic criteria of acceptability. We have enunciated some broad principles which guided our thinking in preparing the Administration proposal:

Simplicity: no new Federal bureau or agency should be created; the funds should be distributed on the basis of available objective statistics.

Dependability: state and local governments should be able to count on the funds in their own fiscal planning.

Fairness: funds should go to every general purpose governmental unit, regardless of size or geographic location.

Discretion: state and local governments should be free to use the funds wherever they determine the need exists; no federal earmarking of functional expenditure requirements should be included.

Neutrality: distribution should be as equivalent within states as possible, with no attempt to punish or reward certain forms or sizes of general government, or certain systems of taxation.

Within this framework we have proposed a revenue-sharing program for consideration by the Congress. It is against the background of our proposal that I wish to comment on the various provisions in S. 2483. Let me say at the outset that many similarities exist between the two bills. This is primarily because S. 2483 was among the several intergovernmental assistance proposals which we carefully reviewed in forming our own position. (Other proposals which we drew upon include S. 1634, introduced by Senator Baker on March 24, 1969.) We drew on several innovative approaches in your bill, Mr. Chairman, during this process, including local government sharing and distribution on the basis of revenues raised. However, there are some aspects of S. 2483 which we find incompatible with both budgetary realities and our philosophy of the purposes behind general assistance to state and local governments.

One overall matter of concern to us runs not to the substance but to the cost of the provisions. The estimates of the Advisory Commission on Intergovernmental Relations staff show Federal budgetary outlays of $5.4 billion in the fiscal year 1970, $7.1 billion in the fiscal year 1971, and $10.1 billion in the fiscal year 1972. This is simply too large a budgetary undertaking in view of stabilization policy requirements and available revenues. For these same reasons, our revenue-sharing proposal provides for a transitional phasing-in of the program before the full $5 billion funding is achieved.

TITLE I

Turning to the specifics of S. 2483, Title I proposes a program for sharing federal revenues with states and their political subdivisions. There are several important differences between this proposal and the Administration proposal which warrant careful examination.

First, a fundamental difference between the two plans exists in the basis for determining the size of the annual revenue sharing appropriation. We have proposed that a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied—be allocated for revenue sharing. S. 2483 proposes that a stated percentage of personal taxable income *and* a much higher percentage of state personal income tax collections be allocated for revenue sharing.

There are two problems with the allocation approach proposed in S. 2483. First, the proportionately heavier weighting assigned to state personal income tax collections means that revenue sharing is not directly associated with Federal revenues. The projections prepared by ACIR show state personal income tax collections rising at a much faster rate than the Federal personal income tax base. We believe it is important to maintain a direct link between the Federal tax system and the determination of the revenue-sharing appropriation.

A related difficulty with this procedure for determining the amount of revenue sharing funds is that the proposal ceases to serve solely as a program for general assistance to states and localities. It assumes a significant role in shaping state decisions on taxing systems, since a strong incentive is established in favor of state personal income taxes. However persuasive the case may be for this form of state tax system, we do not believe that a proposal for transferring both funds and decision-making responsibility to local governments should include a Federally prescribed incentive which may strongly influence local decisions as to the precise form of taxation that they should rely upon.

The second major difference between the S. 2483 and the Administration revenue sharing proposals is in the formula recommended for the state-by-state distribution of the funds. Both proposals call for a distribution based on each state's share of national population, adjusted for the state's revenue effort. They differ in the way revenue effort is defined and expressed.

We propose that revenue effort be simply expressed as the ratio of total general revenues from their own sources collected by a state and all its local government units during a given fiscal year to the total personal income of that state. Both of these measures conform to standard Census Bureau definitions and are consistent among the states. A simple adjustment for revenue effort would provide a state whose effort is ten percent above the national average with a ten percent bonus above its basic per capita portion of revenue sharing.

S. 2483 proposes to adjust the basic per capita distribution by not only the latest revenue effort factor, but also the *trend* in revenue effort as represented by the ratio of the latest factor to that for the preceding year. Furthermore, the numerator in the revenue effort factor is defined as the sum of all state and local taxes plus net profits from the operation of state-owned liquor stores.

There are two obvious differences in the revenue effort adjustments. One is the inclusion in S. 2483 of the trend in revenue effort. We believe the latest revenue effort factor adequately expresses the effort concept. The additional adjustment for a two-year trend is both complicating and unnecessary, and would produce results whereby states with identical current efforts would receive different adjustments. The other is the definition of revenue to include liquor store profits and to exclude current charges and miscellaneous general revenues. This is not a definition which conforms to standard Census Bureau usage; it is not consistent among states; and it unnecessarily provides disincentives for local government usage of service charges. It is important that the revenue effort adjustment be *only* an incentive to improve overall effort, and not one to influence numerous revenue composition decisions. Therefore, the definition of revenue should be that broad one employed by the Census Bureau—general revenues from own sources.

The third and perhaps most basic difference between the two revenue sharing plans exists in the provisions for distributing funds within a state. Both proposals call for a

mandatory "pass through" of funds by the state government to its local governments. And both proposals provide for allocation on the basis of revenues raised by the local government. But there are three important differences remaining between the two distribution proposals.

First, the Administration program provides that the local share be distributed to all cities, counties, and townships, regardless of size. S. 2483 provides for direct revenue sharing with only those cities and counties having a population of 50,000 or more. This would mean that 45.4 percent of all city residents, 27.5 percent of all county residents and 100 percent of all township residents would be residing in governmental units ineligible to directly receive revenue sharing funds under S. 2483. We believe that all local governments are faced with fiscal pressures and that all deserve specific inclusion in a general assistance program.

Second, the Administration proposal provides for distribution of funds to each local government in proportion to its share of total local general revenues raised. Title I of S. 2483 provides for dstribution of funds to each eligible local government in proportion to its share of total state and local *taxes* imposed, with a larger share going to all cities and counties of 100,000 population or more. I would again point out the important differences between the terms "general revenues" and "taxes," and suggest that "general revenues" is the preferable concept.

But a more important issue is whether the larger cities and counties should automatically receive proportionately more revenue sharing funds than the smaller governments. We have taken the position that for this program of general financial assistance there should be no such distinction made. It is true that some of our larger cities do have heavier concentrations of "high-cost" citizens, and disproportionate expenditure requirements due to concentration and congestion. It is very difficult, however, to incorporate these various differences into a simple revenue-sharing plan designed to assist in relieving the general fiscal imbalance between levels of government. The special problems of large-scale urbanization can best be treated on an individual basis by both state and Federal programs.

On balance, we believe the preferred approach for revenue sharing is to distribute funds in proportion to general revenues raised. As it turns out, large cities raise most of the local government revenues and, hence, they will receive most of the locally shared revenues under the Administration's proposal. In fact, for all cities of one million or more, the average per capita revenue raised in 1967–68 were $255.95, compared to $78.74 for cities with population of less than 50,000.

The third point of difference between the local distribution systems of the two proposals is that the Administration plan does not include a direct distribution to school or special districts, while S. 2483 includes revenue sharing with independent school districts. The total funds allocated to these districts would be related to the proportion of school taxes to the sum of school taxes plus state taxes.

We have not included any special purpose districts in our proposal because of the desire to avoid placing any program or project restrictions on revenue sharing funds. To distribute funds directly to fire districts, or school districts, or drainage districts amounts to widespread earmarking of substantial funds for specific programs. This does not mean that these functional areas will be left out in the ultimate distribution of revenue-sharing funds. The officials responsible for managing and administering these districts will look to the state government for additional assistance. Most importantly, however, the Federal revenue-sharing program would not influence the allocation of funds to particular governmental functions. Such allocation decisions will be made by state and local officials in response to the needs of their jurisdictions.

TITLE II

Title II of S. 2483 provides for a partial Federal income tax credit for state and local income tax payments. Given the limited availability of funds for general intergovernmental assistance, we believe that the most effective course is to pursue a program of revenue sharing rather than tax credits. Revenue sharing provides immediate and direct benefit to the states and localities, without influencing their choice of tax systems. Furthermore, with a basis distribution among states on a per capital basis, revenue sharing is more "equalizing" than tax credits, which spread their benefits geographically in proportion to federal tax collections. With the budgetary pressures we face, it is necessary to choose among alternative forms of state and local financial assistance. There is not room for both tax credits and revenue sharing, and we consider revenue sharing to be the best approach. Therefore, we would be opposed to enactment of Title II.

TITLE III

Under present law a considerable degree of cooperation exists between the Treasury (the Internal Revenue Service) and state tax officials in the administration of their income taxes under agreements which provide for exchange of information flowing from the audit of returns. The introduction of computers by both Federal and state tax administrations has increased the potentialities of this type of cooperation. The closer the conformity of the state law to the Federal law in the determination of taxable income the greater are the advantages of this exchange of information. Under these agreements both the state and the Federal Government have increased their collections and reduced their costs by substantial amounts.

The Treasury favors expansion of administrative cooperation in ways which would be mutually acceptable to the appropriate authorities of both jurisdictions, and therefore, has no objection to the enactment of Title III.

It should be pointed out, however, that any plan for collection of state income taxes by the Internal Revenue Service which is to achieve greater administrative efficiency will necessarily require close conformity of state income tax provisions with Federal income tax provisions. Although a substantial degree of conformity to the Federal tax is provided in many of the state income taxes, significant variations exist in some states as to exclusion and deduction adjustments to gross income in arriving at taxable income for state tax purposes. Some of the states may have problems when it comes to enacting the necessary conformity legislation. The varying concepts of state taxing jurisdiction would also present problems until more uniformity is achieved.

It should also be noted that on the basis of our experience during the past three years with the Internal Revenue Service not being provided the full amount of resources that it would like to have in order to enforce collection of taxes due the Federal Government, we simply cannot take on work for the states beyond the receipt of tax returns and remittances and their processing and deposit. The states would have to continue to assume the responsibilities of auditing and collecting any unpaid state taxes.

TITLE IV

Estate and gift taxes are one of the areas of Federal tax law which are not included in the Tax Reform Act of 1969. The Committee on Ways and Means in its report on this legislation, however, has indicated that it will undertake a study of this area as soon as possible. Insofar as the Title IV provision is directed at influencing states which now impose inheritance taxes to adopt an estate-tax type of death tax, we believe the provision might more appropriately be considered in connection with the broader study of the estate and gift tax area by the Committee on Ways and Means. To the extent that the provision is intended as a means of giving the states more Federal financial assistance we believe, as we have indicated with respect to the credit for state income taxes proposed in Title II, that given the limited availability of funds for general assistance a program of revenue sharing is to be preferred to a larger credit for state death tax payments.

TITLE V

Title V would permit states and their localities to tax the personal property of private individuals located in areas under exclusive Federal jurisdiction, provided that an agency designated by the President certifies that persons living and working in these areas are afforded substantially the same rights, privileges, and tax-supported services available to other residents of the state.

The Treasury favors the enactment of this provision.

STATEMENT OF RICHARD P. NATHAN, ASSISTANT DIRECTOR OF THE BUREAU OF THE BUDGET, SEPTEMBER 25, 1969

Mr. Chairman and Members of the Committee, I appreciate this opportunity to testify on S. 2483, the Intergovernmental Revenue Act of 1969.

This bill, in a number of respects, conforms to the revenue sharing proposal made by President Nixon in his address to the Nation August 8, 1969. He said:

"We can no longer have effective government at any level unless we have it at all levels. There is too much to be done for the cities to do it alone, or for Washington to do it alone, or for the States to do it alone."

The Administration's revenue sharing bill differs in several specific provisions from the bill before this Committee.

It is keyed to Administration budget plans and, hence, does not begin with as high an expenditure level as S. 2483.

It does not contain a tax credit proposal, which S. 2483 includes.

S. 2483 is based on the Advisory Commission on the Intergovernmental Relations formula which is a more complicated and in several respects different from the formula used in the Administration's bill, i.e., its treatment of school districts and small local governments, subjects dealt with in the testimony today of Assistant Secretary of the Treasury Murray L. Weidenbaum.

But, in a broad perspective, these two revenue sharing proposals contain more similarities than differences. With revenue sharing, we embark on an historic new direction for the domestic programs of the Federal Government. As the President said on August 8:

"This start on revenue sharing is a step toward what I call the *New Federalism*. It is a gesture of faith in America's State and local governments and in the principle of democratic self-government."

THE NEW FEDERALISM

I think it appropriate at this hearing to discuss the meaning and purposes of the New Federalism. Major themes of the New Federalism are:

First, responsible decentralization, our domestic programs must support and strengthen leadership at the State and community levels in the solution of public problems.

Second, a strong concern with basic systems, the Administration has embarked upon basic reforms of the Nation's failing welfare system, the Postal System, the draft, and its manpower programs to cite examples.

Third, greater emphasis on the effective

implementation of government policies, that is on the process of converting "good" intentions into good results.

The first of these three themes—responsible decentralization—is best expressed in revenue sharing and in the President's proposed Comprehensive Manpower Act.

The new Administration came to office with a determination to strengthen leadership at *every* level of government. Of special importance is its commitment to increase opportunities for responsive decision-making by general purpose units of State and local governments and voluntary organizations.

Revenue sharing and the proposed Comprehensive Manpower Act are two important means of strengthening leadership and opportunities for innovation by State and local governments. In addition, the Administration has initiated important internal reforms of the existing grant-in-aid system. The problems created by grant-in-aid proliferation have been widely commented upon. The important hearings of this Subcommittee in 1966 on "Creative Federalism" highlighted many of the weaknesses of the existing grant-in-aid system.

President Nixon described these problems in the following terms in April of 1969.

"The number of separate Federal assistance programs has grown enormously over the years. When the Office of Economic Opportunity set out to catalogue Federal assistance programs, it required a book of more than 600 pages just to set forth brief descriptions. It is an almost universal complaint of local government officials that the web of programs has grown so tangled that it often becomes impermeable. However laudable each may be individually, the total effect can be one of Government paralysis."

The Advisory Commission on Intergovernmental Relations has repeatedly called attention to the need for reform of the grant system. In their 1969 Annual Report, they lamented the . . . "hardening of the categories in the immense and intricate Federal grant-in-aid system."

Examples of grant-in-aid system reform measures inaugurated by the new Administration are:

The President's legislative proposal of April 30 to permit him to consolidate existing grant-in-aid categories if Congress, within 60 days, does not overrule proposals transmitted to them.

A major effort under the direction of the Bureau of the Budget's Office of Executive Management to simplify and develop uniform grant-in-aid administrative procedures.

Efforts through the budget and legislative processes to combine related grant-in-aid categories.

The restructuring of the regional boundaries of the major domestic agencies in the field, so that their headquarters cities are the same and the regions which they cover also conform.

The issuance of a Presidential Order on joint funding April 18, 1969.

REVENUE SHARING AS AN ECONOMIC POLICY

Revenue sharing is an economic as well as political reform. At the same time that it strengthens federalism by broadening the grant-in-aid system, it modifies the Nation's total tax system, placing greater reliance on the growth-elastic Federal income tax.

Consider these facts:

The traditional mainstays of State and local finances have been property and sales taxes. These taxes bear down most heavily on the poor and lag 40–50% behind the rate of growth in the State-local expenditures.

The mainstays of the Federal Treasury are the personal and corporate income taxes. These taxes tend to be more equitable and grow rapidly, as much as 25–50% faster than the economy.

Income tax revenues account for only 9% of State-local revenues; almost half the revenue of the Nation's *total* tax system is derived from income taxation.

The cumulative impact of this pattern of taxation is illustrated by recent experience with State tax laws:

More than half of all State tax revenues during the 1950–67 period were the result of painful rate increases or the enactment of entirely new taxes.

Over 200 rate increases were required in major State taxes between 1959 and 1967.

More than four-fifths of the State legislatures which met early this year, faced requests for tax rate increases.

The State-local fiscal plight is made even more dramatic by the fact that the normal increase in Federal income taxes due to economic growth alone runs $10–13 billion, roughly equivalent to total State income tax receipts.

By enabling State and local governments to tie into the Federal income tax, revenue sharing will:

Improve the balance between service requirements and governmental resources.

Make the overall tax structure of the Nation more equitable.

Although it is more difficult, we also need to examine the expenditure side of the economics of revenue sharing, President Nixon said in his August 13 message to the Congress on revenue sharing.

"While it is not possible to specify for what functions these Federally shared funds will provide—the purpose of this program being to leave such allocation decisions up to the recipient units of government—an analysis of existing State and local budgets can provide substantial clues. Thus, one can reasonably expect that education, which consistently takes over two-fifths of all State and local general revenues, will be the major beneficiary of these new funds."

The following table summarizes total State and local government expenditures in recent years by various functional areas. It shows clearly that the largest single expenditure item in State and local budgets is education, and that education has been growing as a proportion of total expenditures. It seems reasonable to expect that this expenditure pattern will prevail over the next several years and that a major use of shared revenues will be for education.

TOTAL STATE-LOCAL GOVERNMENT DIRECT GENERAL EXPENDITURES BY FUNCTION

[Fiscal years. Dollar amounts in billions]

	1964		1968		Increase, 1964–68	
	Amount	Percent	Amount	Percent	Amount	Percent
Function:						
Education	$26.3	38	$41.2	40	$14.9	45
Highways	11.7	17	14.5	14	2.8	8
Public welfare	5.8	8	9.9	10	4.1	12
Health and hospitals	4.9	7	7.5	7	2.6	8
Police and fire protection	3.6	5	5.0	5	1.4	4
Parks and natural resources	2.9	4	3.9	4	1.0	3
All other	14.1	20	20.4	20	6.3	19
Total	69.3	100	102.4	100	33.1	100

Source: Bureau of the Census, "Governmental Finances in 1967-68," August 1969, table 3.

REVENUE SHARING AND BUDGETARY REQUIREMENTS

It is estimated that revenue sharing under S. 2483 would cost $3 billion in fiscal year 1970, and would build up to $5 billion. Other sections of the bill would add $2.6 billion in 1970 and reach $5.9 billion by 1972. The Administration's bill, on the other hand, reaches the same $5 billion level for revenue sharing as S. 2483 when fully implemented. However, it starts at $500 million for the first half year, reflecting our considered judgment of what is feasible in the near future.

ESTIMATED FUNDING FOR REVENUE SHARING UNDER ADMINISTRATION PROPOSAL, 1971–76

Fiscal year	Taxable[1] income base (in billions)	Percentage for revenue sharing	Funds for revenue sharing (in billions)
1971	$315	2/12 of 1 percent[2]	$0.5
1972	346	5/12 of 1 percent	1.5
1973	381	7/12 of 1 percent	2.2
1974	419	9/12 of 1 percent	3.2
1975	461	11/12 of 1 percent	4.2
1976	507	1 percent	5.1

[1] The 1971 base is taken as calendar year 1967 taxable individual income. The base is assumed to grow at the rate of 10 percent a year.

[2] The full-year amount will be paid out over the last 2 quarters for fiscal year 1971.

These levels of expenditure for revenue sharing were decided upon in conjunction with other budget priorities which the Administration has identified. In particular, the urgent need to reform the Nation's failing welfare program requires a major new initiative, estimated at an additional $4 billion in the first year of effect. Other program initiatives by the Administration include approximately $3 billion in FY 1971 for increased Social Security benefits, $1.5 billion for hunger and nutrition programs, and $300 million for mass transit.

These proposals are part of a balanced program which will permit us to go forward on needed policy initiatives at the same time that we are maintaining a budget posture necessary to curb inflationary pressures.

And I would stress, Mr. Chairman, that these new initiatives are dependent upon what the President has referred to as a "predictable firmness" in the budget process. In short, we are attempting to reduce narrow purpose, categorical programs that either may have served their purpose and are now of lower priority, or are not delivering services effectively. We are also endeavoring to combine smaller programs through grant consolidation and administratively through joint funding. Finally, it is the Administration's intention to avoid enactment of highly compartmentalized *new* grant-in-aid programs, which are regarded as unnecessary, in part, because of the opportunities for State and local innovation which will be generated by revenue sharing.

REVENUE SHARING AND WELFARE REFORM

In closing, Mr. Chairman, I would like to call attention to the interrelationship between two New Federalism proposals—revenue sharing and welfare reform.

The Administration believes the Federal Government should do what it can do best and that State and local governments should be strengthened to provide the services which they are able to administer on a basis which takes into account varying State-local conditions and needs. Providing basic cash assistance and Food Stamps to the poor is a job which the Federal Government can do

efficiently and equitably, as evidenced by the long, successful history of the Social Security program. On the other hand, providing social services to people is typically a task which requires State and local talent and administrative capability.

Both revenue sharing and welfare reform, as proposed by President Nixon, provide needed fiscal relief to State and local governments. All States would spend less in State and local funds for welfare in the first year of the Family Assistance Plan than they would if the existing program continued in effect. These resources, combined with revenue sharing, would provide a considerable and rising amount of resource support for State and local governments.

This strategy, along with other Administration domestic program initiatives, carries out the central purposes of the New Federalism—to strengthen federalism, to reform major program systems, and to improve the Nation's total governmental capability.

DRAFT ADJUSTMENTS FALL SHORT

Mr. McGOVERN. Mr. President, notwithstanding the fanfare of the past few days, the Nixon administration's adjustments in the military draft will allow the survival of one of this country's most obvious denials of individual liberty.

Last Friday, the President announced what appeared to be a reduction of 50,000 in draft calls for 1969. It is to be accomplished by canceling the Defense Department's previously programed calls of 32,000 for November and 18,000 for December, and by spreading the 29,000 October call evenly over the 3 remaining months of the year.

But the reduction is an illusion. In fact, without the cuts we would have had a massive increase in draft calls for the year as a whole.

From June through October of 1969, the total draft quota was 135,700, compared with only 79,000 for the same period a year earlier. The inflation of nearly 57,000 in those 5 months easily left room for a 50,000 reduction. Total draft calls for this year will be only about 2 percent lower than in 1968.

In effect, what appears as benevolence to the young men who might have been taken in November and December is no more than an announcement that they will not be called then because they have already gone. They were pressed into service as part of earlier quotas.

The President also announced on Friday his intention to move forward on draft proposals which will establish a random system of selection, to put chance in the place of decisions presently made by some 4,000 local draft boards with the inspiration and guidance of Selective Service Director Lewis Hershey. The period of prime exposure to induction would be reduced from as much as 7 years to 12 months.

It is impossible to respond negatively to such a proposal. Indeed, from the standpoint of the eligible pool of manpower, just about any change in the selective service system would be an improvement. The present system seems to rest on the assumption that exposure to compulsory military service, including a war which most Americans now regard as a blunder, is for some reason a healthy process for young Americans. General Hershey's efforts to use the draft as a punitive device—without the delays and complications of due process—place it even more sharply in conflict with the fundamental ideals of a free society. No one who believes in those ideals can find grounds for objection to the changes planned by the President.

But here again the illusion of meaningful action outweighs the substance.

The adjustments announced on Friday leave intact the most pernicious single aspect of the selective service system. With or without the change, thousands of young American men each year will be compelled, willing or not, to serve in the Armed Forces. Their right to liberty, their right to follow pursuits of their own choosing, will be denied. Their occupations will be determined not by the incentives required to attract manpower in the competitive market, but by the dictates of intrusive governmental authority.

Mr. President, it has been widely speculated that the two steps announced last Friday are part of an attempt to defuse youthful opposition to the war in Vietnam.

In combination with the partial troop withdrawals which are now underway, it has been suggested that the attempt to beautify the draft and to briefly limit its effect will muffle the voices which are calling for a prompt end to our involvement in Vietnamese affairs.

If that is the strategy, it is bound to fail. It amounts to a grave miscalculation on both the motives and the perception of those who seek a change in policy. They object not so much because of personal costs, but because they believe in the ideals for which they have been told this country stands. They can see no legitimate interest in Vietnam which could possibly justify the loss of 40,000 lives or even the risk of a single additional American. They can see no interest which demands that we neglect crushing problems at home while laying billions of dollars at the feet of a corrupt military government 10,000 miles away. And they can see no reason why a nation founded on liberty and professing human dignity as its goal should extract involuntary service from any of its citizens.

The draft will not be acceptable until it is gone. The war in Vietnam will not be acceptable until it is over.

We have waited too long on both.

ARMS SALES IN VIETNAM

Mr. PROXMIRE. Mr. President, the possibility that the Government of South Vietnam is selling arms obtained from the United States to private dealers is most disturbing. Yesterday, I raised questions about the allegations that such sales had occurred. These questions have not yet been answered satisfactorily.

Part of the basis for the questions I have asked is a two-page document. This document was obtained from the South Vietnamese Embassy in Washington and has been explained to me as a listing of the weapons being offered for sale by South Vietnam.

The first column on the document lists a variety of types of weapons. The second column indicates the number of each. The list is partly in the Vietnamese language. However, several of the items have been translated for me.

For example, item 1 is translated as pistol. Item 3 is translated as submachinegun. Item 27 is translated as Browning automatic rifle. Item 29 is translated as machinegun. Item 30 is translated as grenade launcher.

Most interesting are the symbols M–16 which appear on both pages of this document. There are two references to M–16 totaling 5,539.

In my letters to the Defense Department and State Department, I included copies of these materials and asked that they be authenticated for me. I have not yet had a formal response to my letters nor did I expect one this soon.

However, I understand that the Pentagon has made some public statements about this matter. I hope that the statement that I am making today will clarify the reasons for my raising questions.

I ask unanimous consent that the contents of the South Vietnamese document be printed in the RECORD.

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

1. Sung Luc cac loai (Pistol)	8763k
2. Sung Tieu-Lien Mat 49	7288
3. Sung Tieu-Lien Sten (Submachinegun) (Go-Vap)	2231
4. Sung Tieu-Lien Mas 39	6279
5. Sung Tieu-Lien Madsan	535
6. Sung Tieu-Lien MP 40	286
7. Sung Tieu-Lien CMH 2	84
8. Sung Tieu-Lien Mat 48	63
9. Sung Tieu-Lien Whong hieu NH	66
10. Sung Carbine 5,5 Phap(Carb)	74
11. Sung Truong 36 Ord	35890
12. Sung Truong Mas 36 LG 48	2444
13. Sung Truong CR 39	317
14. Sung Truong MK 3 (Rifle)	2171
15. Sung Truong MK 1	1314
16. Sung Truong 1903/A1 x A3	775
17. Sung Truong US 17	1029
18. Sung Truong Mauser	2134
19. Sung Truong Nhat	121
20. Sung Truong 07 x 15	10065
21. Sung Truong 86 x 93	19429
22. Sung Truong M–16	3550
23. Sung Truong 1874	25
24. Sung Truong Linh-Tinh	436
25. Sung Truong Ban dan chai (auto Rifle)	243
26. Sung tu dong Mat 49	24
27. Sung Trung-Lien 24 x 29 (Browning Auto Rifle)	1899
28. Sung Trung-Lien Bren	1909
29. Sung Dai-Lion Rejbel (Machinegun)	337
30. Sung Phong Luu 50 M37 (Grenade Launcher)	182
31. Sung Phong Luu Mas 36	92
Tong Cong Lo 2 (714t500) (Khau)	110.055
1. Sung Tieu-Lien Mc (Submachinegun) (Trai Dong Thap) (255t200)	3604k
2. Sung Tieu-Lien Ston (Go-Vap)	426
3. Sung Tieu-Lien Mas .38	2555
4. Sung Tieu-Lien	1119
5. Sung Tieu-Lien MP 40 (Rifle)	63
6. Sung Truong Mas 36 Ord	15641
7. Sung Truong Mas 36 LG–48	2346
8. Sung Truong MK 3	1928
9. Sung Truong MK I	2516
10. Sung Truong 1903/A1 x A3	10024
11. Sung Truong US 17	3993
12. Sung Truong Mauser	5721

13. Sung Truong 07 x 15	5087
14. Sung Truong 86–93	8008
15. Sung Truong M–16	1989
16. Sung Truong Ban dan Chai	1822
17. Sung Truong 1902	240
18. Sung Truong 1892	134
19. Sung-Trung-Lien 24 x 29 (Browning Auto Rifle)	2041
Ton Cong LO 3 (255t200) (Khau)	69.257

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of the unfinished business, which the clerk will state.

The BILL CLERK. Calendar No. 410, S. 2917, a bill to improve the health and safety conditions of persons working in the coal mining industry of the United States.

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

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

AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 SO AS TO PERMIT DONATIONS OF SURPLUS PROPERTY TO PUBLIC MUSEUMS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 419, S. 2210.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2210) to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations, with amendments, on page 2, line 6, after the word "free", strike out "all residents of a community, district, State, or region," and insert "the general public"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j) is amended—

(1) by striking out "and (C) public libraries." at the end of the first sentence of paragraph (3) and inserting in lieu thereof "(C) public libraries, and (D) public museums."; and

(2) by adding at the end thereof the following new paragraph:

"(8) The term 'public museum', as used in this subsection, means a museum that serves free *the general public,* and receives its financial support in whole or in part from public funds."

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–423), explaining the purposes of the measure.

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

PURPOSE

S. 2210 provides for making public museums, like public libraries, eligible to secure surplus property which is usable and necessary for purposes of education, public health, or for research for any such purpose.

Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, now authorizes the donation of surplus property to museums if they are a part of a school, college, university, or public library, but does not permit the donation of such property to a tax supported public museum. S. 2210 would extend this authority to such public museums in view of their contribution to education.

S. 2210 was approved by the Bureau of the Budget and the Department of Health, Education, and Welfare. The General Services Administration, which administers the surplus property program, opposes the bill on the grounds that the inclusion of public museums would increase the competition among those who are now permitted to utilize such property. From the information submitted to the committee during the consideration of this bill, however, it would appear that public museums would need only a limited number of stock items of a rather representative nature, such as a weapon, uniform, etc. Moreover, in the event competition should develop, the law and procedures presently administered by the Department of Health, Education, and Welfare and the State agencies are adequate to resolve any foreseeable conflicts.

The amendment was agreed to.

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

AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO PERMIT THE ROTATION OF CERTAIN PROPERTY WHENEVER ITS REMAINING STORAGE OR SHELF LIFE IS TOO SHORT TO JUSTIFY ITS RETENTION, AND FOR OTHER PURPOSES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 420, S. 406.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 406) to amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported with an amendment, on page 3, line 12, after the word "out," insert "in"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481) is amended by adding at the end thereof the following new subsection:

"(e) Whenever the head of any executive agency determines that the remaining storage or shelf life of any medical materials or medical supplies held by such agency for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the interest of the United States, such materials or supplies shall be considered for the purposes of section 202 of this Act to be excess property. In accordance with the regulations of the Administrator, such excess materials or supplies may thereupon be transferred to or exchanged with any other Federal agency for other medical materials or supplies. Any proceeds derived from such transfers may be credited to the current applicable appropriation or fund of the transferor agency and shall be available only for the purchase of medical materials or supplies to be held for national emergency purposes. If such materials or supplies are not transferred to or exchanged with any other Federal agency, they shall be disposed of as surplus property. To the greatest extent practicable, the head of the executive agency holding such medical materials or supplies shall make the determination provided for in the first sentence of this subsection at such times as to insure that such medical materials or medical supplies can be transferred or otherwise disposed of in sufficient time to permit their use before their shelf life expires and they are rendered unfit for human use."

SEC. 2. Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512), is amended by—

(a) inserting, immediately after the section number "SEC. 402.", the subsection designation "(a)";

(b) inserting after the words "Foreign excess property" in the first sentence thereof the words "not disposed of under subsections (b) and (c) of this section";

(c) striking out *in* the first sentence thereof the clause designations "(a)" and "(b)", and inserting in lieu thereof the clause designations "(1)" and "(2)", respectively; and

(d) adding at the end thereof the following new subsections:

"(b) Any executive agency having in any foreign country any medical materials or supplies not disposed of under subsection (c) of this section, which, if situated within the United States, would be available for donation pursuant to section 203 of this Act, may donate such materials or supplies without cost (except for costs of care and handling), for use in any foreign country, to nonprofit medical or health organizations, including those qualified to receive assistance under sections 214(b) and 607 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2174(b) and 2357).

"(c) Under such regulations as the Administrator shall prescribe pursuant to this subsection, any foreign excess property may be returned to the United States for handling as excess or surplus property under the provisions of sections 202, 203(j), and 203(l) of this Act whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so: *Provided,* That regulations prescribed pursuant to this subsection shall require that the transportation costs incident to such return shall be borne by the Federal agency, State agency, or donee receiving the property."

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in

the RECORD an excerpt from the report (No. 91–424), explaining the purposes of the measure.

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

PURPOSE

S. 406 would authorize the head of any Federal department or agency who is responsible for the storage of medical materials or medical supplies held for a national emergency to determine when their shelf life is of too short duration for continued retention. Under the provisions of this bill, the head of the agency could declare such medical supplies excess to his needs and have them transferred to, or exchanged with, another Federal agency before the shelf life period has expired, thus minimizing the destruction of such medical supplies. The proceeds derived from such transfers would be credited to the current appropriation or fund of the transferor agency and would be available for acquistion of new medical supplies or materials. Any materials or supplies not transferred to or exchanged with another Federal agency would become available for disposal as surplus property.

The bill further provides that the head of the agency holding such supplies make the determination to transfer or exchange the materials in sufficient time before expiration of the shelf life period as would permit other agencies to use the materials before deterioration or spoilage.

Section 2 of S. 406 would add new subsections (b) and (c) to section 402 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 512), which is the basic authority for the disposal of foreign excess property. The new subsections would authorize the donation of foreign excess medical materials and supplies for use in any foreign country, to nonprofit medical or health organizations, including those qualified to receive assistance under sections 214(b) and 607 of the Foreign Assistance Act of 1961, and also, under such regulations as the Administrator shall prescribe, the return of foreign excess property to the United States for handling as excess or surplus property under the provisions of sections 202 and 203(j) and (l) of the Property Act.

BACKGROUND

This bill emanated from hearings which were held by the Joint Economic Committee during the 89th Congress when it was reported to the committee that medical supplies held in storage for a national emergency had deteriorated to such extent that they had to be destroyed, because there was no legal authority for rotation or transfer to another Federal agency.

Senator Proxmire, sponsor of this legislation, stated on the floor of the Senate that—

* * * Under existing law Federal property can be given away only if it is declared to be surplus to Federal needs. If this is the case, the property may be donated to public or nonprofit private, State, and local organizations.

Some items have to be destroyed because they never become surplus to Federal needs. They simply lose their efficacy. This is the case with stockpiled medical supplies. Substantial amounts of these supplies, which are stored in more than 2,500 packaged disaster hospitals, have short shelf lives. They cannot be declared surplus because they are needed for use in case of emergency until this shelf life expires. Yet, when they lose all of their value to the Federal Government they also are worthless for donation purposes. * * *

When S. 406 was introduced in the Senate, the sponsor reported that some progress had been made by the agencies involved in the administration of the national medical stockpile program but that additional legislative authority was needed to attain more effective utilization of such supplies.

He reported further as follows:

"I am happy to say that since the time I first introduced this legislation back in the 89th Congress the situation has improved somewhat, however. In 1967, General Counsel at the Department of Health, Education, and Welfare, the Department responsible for the medical stockpile, found that items from the stockpile could be declared unsuitable for civil defense purposes because of limited remaining shelf life and disposed of as excess property. This means that the material could be transferred without reimbursement to other Federal agencies. The procedure is still under study by the Office of Emergency Planning. The mapor problem is simply that of funding the replacement of materials that have been declared excess.

"I am happy to say that the bill I am introducing today has the approval and support of the General Services Administration, which administers the surplus property disposal program, as well as the concurrence of the Department of Health, Education, and Welfare—the Department in charge of the emergency medical stockpile program—and the Bureau of the Budget. In fact, today's legislation represents a substitute suggested by the General Services Administration for S. 1717, the bill I introduced on this subject in the last Congress."

HEARINGS

On July 9–10, 1969, an Ad Hoc Subcommitee on Surplus Property held hearings on this bill, at which time it was suggested that it may be appropriate to amend S. 406 to include authority for rotation of similar short shelf life, common use items of supply which are stored by the Department of Defense, GSA, or other Federal agencies.

In this connection, Senator Lee Metcalf offered an amendment to authorize and direct Federal departments and agencies to rotate common use items of supply, such as ink, carbon paper, paint, and so forth, before they are retained in storage too long for issue.

On the assurance of the Deputy Assistant Secretary of Defense, Mr. Paul H. Riley and Mr. Lewis Tuttle, Assistant Commissioner, Office of Personal Property Disposal, General Services Administration, Senator Metcalf withdrew his proposed amendment because he was assured that there was adequate authority for rotating such items of supply and that the agencies are now rotating such stock pursuant to an order issued by the Bureau of the Budget and other implementing regulations issued by the individual Departments. It was also reported to the committee that an interagency committee was established and has been coordinating activities in this area among the various agencies so that nonmedical items are rarely allowed to spoil or deteriroate into a useless state.

The amendment was agreed to.

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

COMMISSION ON GOVERNMENT PROCUREMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 431, H.R. 474.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 474) to establish a Commission on Government Procurement.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I move to strike out all after the enacting clause and insert in lieu thereof the text of S. 1707, Calendar No. 423, the companion Senate bill, as reported with the committee amendments.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 474) was read a third time and was passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–427), explaining the purposes of the measure.

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

PURPOSE

S. 1707 would establish a temporary Commission on Government Procurement which would be directed to make a comprehensive study of Federal procurement statutes, policies, and practices, submit a final report of its findings and recommendations to the Congress within 2 years from the date of enactment of the bill, submit interim reports as it deems advisable, and cease to exist 120 days after the submission of its final report.

The bill states, as congressional policy, the promotion of economy, efficiency, and effectiveness in the procurement of goods, services, and facilities by and for the executive branch of the Government, and enumerates 12 policy goals to guide the Commission in the achievement of such policy. The Commission's specific areas of study would include (1) existing Federal procurement statutes; (2) executive branch procurement policies, regulations, rules, practices, and procedures; and (3) the organizations by which such procurement is accomplished to determine to what extent these facilitate the stated policy.

The bill, as amended, provides that the Commission would be composed of nine members and the Comptroller General, or his designee, ex officio. The President of the Senate and the Speaker of the House of Representatives would each appoint two members from their respective House on a bipartisan basis; and the President of the United States would appoint five members from outside of the Government.

The Commission would select a Chairman and a Vice Chairman from among its members; five members would constitute a quorum; and vacancies would not affect its powers and would be filled in the same manner as original appointments.

Commission members from the Congress, and the Comptroller General or his designee, would receive no compensation for their services, but would be allowed necessary travel expenses and other necessary expenses incurred by them in the performance of their duties. Commission members from the private sector would receive compensation at the rate of $100 for each day in which they are engaged in the actual performance of their duties, in addition to reimbursement for travel, subsistence, and other necessary expenses.

The Commission, or at its direction, any duly authorized subcommittee or member thereof, would have authority to hold hearings, take testimony, administer oaths and require, by subpena or otherwise, the testimony of witnesses and the production of books, records, correspondence, papers, documents, etc., as it deems advisable; and persons failing to comply with subpena requirements would be subject to judicial action by an appropriate U.S. district court.

The Commission would also have the authority to (1) acquire directly from the head of any Federal agency or department information deemed useful in the discharge of its duties, and all such agencies would be authorized and directed to cooperate with the Commission and to furnish it with all such information requested by its Chairman or Vice Chairman, to the extent permitted by law; (2) appoint and fix the compensation of necessary personnel without regard to laws governing the competitive service; and (3) procure the services of experts and consultants, and negotiate and contract with private organizations and educational institutions to make and prepare required studies and reports. In addition, all agencies and departments would be authorized to provide services to the Commission upon request, on a reimbursable basis or otherwise, pursuant to agreements between the agency concerned and the Chairman or Vice Chairman of the Commission.

EXPLANATION OF AMENDMENTS

The committee adopted several amendments which are designed to improve and strengthen the operations of the Commission and clarify language in the bill. The major amendments deal with the size and composition of the Commission and confer subpena powers upon it.

Section 3 of S. 1707, as introduced, provided for a Commission composed of 14 members and the Comptroller General of the United States, ex officio. The President of the Senate and the Speaker of the House of Representatives were each to appoint four members, two each from their respective Houses on a bipartisan basis, and two each from private life; the President of the United States was to appoint six members, three from the executive branch and three from the private sector.

With respect to the size of the Commission, the committee considered that a 15-member Commission would be too large to function effectively; and that the successful accomplishment of its mission would depend upon the quality of its members rather than their number. Accordingly, the committee reduced the size of the Commission to nine members and the Comptroller General, ex officio; two each to be appointed by the President of the Senate and the Speaker of the House, and five by the President of the United States.

With respect to composition, the committee determined that the congressionally appointed members should all be Members of Congress and the presidentially appointed members should all be from outside of the Government. In the case of the former, it is felt that since the Commission will probably recommend changes in existing law, congressional participation might assist materially in congressional understanding, acceptance, and implementation of such recommendations. In the case of the latter, the committee felt that the objectives of the bill would best be served if all of the President's appointees are from the private sector. When and if executive branch expertise is required, the Commission, under the terms of the bill, would be free to utilize the knowledge and experience of individual executive branch specialists for whatever services and assistance may be necessary.

With respect to the subpena power, the committee found that some temporary mixed commissions have been given this power and others have not. In view of the nature of the mission of the Commission on Government Procurement and the need for complete information to enable it to accomplish that mission successfully, the committee determined that it should have such authority.

NEED FOR COMMISSION TO STUDY FEDERAL PROCUREMENT LAW, REGULATIONS, PRACTICES, AND PROCEDURES

The Armed Services Procurement Act and the Federal Property and Administrative Services Act—the two basic statutes which govern military and nonmilitary procurement—were enacted more than 20 years ago. During this period, there has been a phenomenal growth and expansion of Government responsibilities, activities, and expenditures. Thus, the Federal budget rose from $40 billion in fiscal year 1949 to $186 billion in fiscal year 1969; new departments and agencies have been created and numerous new Federal programs have been undertaken in an effort to cope with social and economic needs; and the military arsenal now requires multi-billion-dollar weapon systems. Reflecting this rapid expansion, the dollar value of procurement awards for supplies, equipment, and services has increased from $9 billion to $55 billion during this same period. Furthermore, it appears that Federal procurement now involves a veritable army of procurement officers engaged in a highly escalating battle of paperwork, resulting in a situation which is often as baffling to the suppliers of goods and services as it is expensive to the Federal Government.

Despite this phenomenal increase in Federal procurement, the magnitude of expenditures involved, and an awareness of the fact that practices and procedures by which goods and services are secured are varied, uncoordinated, and lacking in uniformity, no comprehensive review of Federal procurement policies and practices has been undertaken since the first Hoover Commission filed its report in 1949.

It is the view of the committee, concurred in by the executive branch agencies, that the time has come for a close, hard look at the statutes, regulations, procedures, and practices governing Federal procurement. Even a cursory examination reveals that there are loopholes in the laws, inconsistencies in the regulations, conflicts in the procedures, and variations in the practices. The mountains of procurement paperwork grow taller and the maze of procedures more complicated with each passing day.

The committee recognizes that the existing complicated process cannot be reduced to a simple, neat formula in view of the different requirements of Federal departments or agencies and the million of individual procurement actions each year. What is needed urgently is a unified approach to procurement problems, and procedures which will facilitate sound policy decisions at the top and provide the means to see that they are implemented in the field. The committee believes that substantial economies can be realized through improvements in the present procurement practices by the Federal Government. Equally important, of course, are the savings in time, effort, and money that can be realized for those furnishing goods and services to the Government. Every member of this body is keenly, and sometimes painfully, aware of the problems encountered by those doing business with the Government. Complaints, inquiries, and suggestions regarding Government procurement constantly flow through the office of every Senator. Although efforts have been made to correct inequities or deficiencies in Federal procurement practices, these efforts have been fragmented, piecemeal, and, at best, only stopgap remedies.

Finally, attention has been directed recently to substantial cost overruns in connection with Department of Defense procurement of the C–5A aircraft and other procurement. Recent figures on the C–5A indicate an overrun of $712 million between the original target price and the current price estimate. With respect to other Department of Defense procurement, between January 1 and December 31, 1968, cost overruns amounted to $611.8 million, of which $228.2 million is ascribed to cost escalation, $300.2 million to quantity increase, and $83.4 million to new equipment or new configuration.

The committee believes that a broad-scale, sweeping study of Government procurement policies and practices is needed if these pressing problems are to be resolved.

FISCAL YEAR 1968 PROCUREMENT EXPENDITURES

According to the latest information available, the Federal Government expended approximately $55 billion for the procurement of goods and services during fiscal year 1968. Of this amount, an estimated $44 billion was expended by the Department of Defense; civilian executive branch departments and agencies expended a total in excess of $10 billion. Complete data for fiscal year 1969 is not yet available. However, during the 9-month period which ended on March 31, 1969, the Department of Defense awarded procurement contracts totaling approximately $30.9 billion, an increase of about $1.1 billion over the same 9-month period in fiscal year 1968.

The nonmilitary agencies which expended the largest amounts for procurement in fiscal year 1968 were NASA, $3.5 billion; AEC, $2.5 billion; and GSA, $1.6 billion. Other agencies which devoted substantial amounts to procurement were Department of Transportation, $516.8 million; Department of the Interior, $408.6 million; TVA, $376.6 million; Post Office Department, $297 million; HEW, $224.2 million; VA, $220.4 million; Department of Commerce, $209.8 million; Department of Agriculture, $178.1 million; and the Office of Economic Opportunity, $170.2 million.

PRINCIPAL FEDERAL PROCUREMENT STATUTES

There are 25 key statutes which deal with the procurement of goods and services by Federal departments and agencies. Three of these cover the subject directly; the balance affect procurement collaterally and are considered ancillary. In addition, each agency concerned with procurement has adopted implementing regulations which have been characterized by the Comptroller General as "voluminous, exceedingly complex, and, at times, difficult to apply."

A summary of key legislation dealing with Federal Government procurement appears as appendix 1 to this report.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senate bill 1707 be indefinitely postponed.

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

ADMIRAL RICKOVER WRITES ON THE IMPORTANCE OF NUCLEAR CARRIERS

Mr. STENNIS. Mr. President, during the debate on the military authorization bill, I wrote Admiral Rickover, on August 29, a letter of inquiry with reference to nuclear-powered aircraft carriers, asking him to respond on certain points.

Admiral Rickover replied to my letter under date of September 5, 1969. During that debate, Mr. President, I quoted rather extensively from the admiral's letter, and intended to ask that the entire letter be printed in the RECORD at the conclusion of my remarks; but I overlooked making that request. I have had inquiries from Senators and others who are interested in the entire text of the letter.

Anything that Admiral Rickover says on this subject, or any other subject in this field, is entirely worthy of consideration, and I therefore think it undoubtedly has a proper place in the CONGRESSIONAL RECORD. Therefore, Mr. President, I ask unanimous consent, as in the morning hour, that the entire letter be printed in the RECORD.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., September 5, 1969.

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

DEAR SENATOR STENNIS: This letter is in response to your request of 29 August that I give you my views concerning the importance of proceeding with construction of the three Nimitz class nuclear-powered attack aircraft carriers planned by the Department of Defense. You also asked me to comment specifically concerning the impact that deferring the $377 million requested by the President in his FY 1970 budget to complete funding for the second of these carriers—the CVAN69—might have on the naval nuclear propulsion program.

I welcome this opportunity to make clear my reasons for believing strongly that these three carriers should be built without delay.

For many years as you know, I have testified that because of the vast improvements being made in weapons technology the Navy should wherever possible go underwater to carry out its missions. The most striking example of where this has been accomplished in the past decade is the transfer of the Navy nuclear war deterrent mission from bombers based on aircraft carriers to Polaris missiles launched from nuclear submarines. Increased emphasis has also been placed on nuclear-powered attack submarines for anti-submarine missions—a policy that should be continued.

I have never hesitated to call attention to what seems to me to be wrong with our military. I follow no "party line." In the past when Chiefs of Naval Operations favored aircraft carriers over nuclear submarines I spoke out against their stand. This is not the case with our present Chief of Naval Operations, Admiral Moorer, who fully supports nuclear submarines.

There are, however, some important Navy missions, which cannot, in any known practical way, be carried out by submarines. One of these is the provision of sea-based tactical air power to protect our sea lanes and our air lanes over the seas, as well as to support amphibious operations and overseas military land operations beyond the range of the land-based tactical air power available to us.

In a memorandum of 25 August 1969 to the Secretary of the Navy, the Chief of Naval Operations discusses at length the urgent need to continue building attack carriers. The memorandum, a copy of which is enclosed, responds to questions raised this year by those opposed to proceeding with the carrier building program. I contributed to the preparation of Admiral Moorer's memorandum and I agree with its contents.

It is easy, of course, to take a negative stand on any matter—particularly if one merely urges delay so that the matter may be further studied. That way nothing has to be proved or decided. One contents himself with asking many simple questions about a complex issue; states that the answers he has received do not completely examine all facets of the questions; then insists that the matter requires further study and the decision to go ahead should be delayed.

I do not believe further study of the attack carrier issue will change the basic facts summarized below. These, in my opinion, establish the need to proceed with construction of the Nimitz class carriers. These facts are discussed in more detail in the attached memorandum:

Three-fourths of the earth's surface is covered by water; 95 percent of the world's population live within range of carrier aircraft.

The United States is essentially an island between two oceans—an island dependent on free use of the seas for transport of materials and fuels necessary for our survival.

No valid plan exists for overseas military operations by the Army, by the Air Force, or by amphibious forces, which does not depend on our ability to guarantee free use of the seas. Virtually all supplies to Vietnam, for example, have been carried by ships.

Without a modern attack carrier force, the United States is not assured free use of the seas in those areas of the world that are important to us. It is simply not practicable to establish enough land air bases adequately prepared, provisioned, defended, and within range of potential areas of conflict.

To match the continually improving capabilities of our potential enemies, the Navy's carrier force must have a steady input of new ships. This is necessary to upgrade its capability through infusion of modern technology and to replace ships no longer capable of meeting the demands on them—whether because of their inherent design limitations or because of their age.

Seven of the sixteen carriers currently operating in the attack carrier role were launched during or shortly after World War II. Five of these cannot operate several of the modern aircraft types now in the fleet. They will not be able to operate air wings which can survive against Soviet weapons technology of the 1970's.

Each Nimitz class carrier will carry 50 percent more aircraft ammunition and twice as much aircraft fuel as the latest conventionally powered attack carrier. This, combined with the unlimited high speed endurance provided by nuclear power will greatly increase their capability for sustained combat operations.

The Nimitz class will also incorporate improved design features in the areas of command and control, intelligence processing, ammunition handling, aircraft catapulting, fire fighting and drainage control.

The Nimitz class will be the best protected and least vulnerable carriers ever designed. The added protection is provided by extensive use of armor against bombs and guided missiles, as well as by improved anti-torpedo hull design. The unlimited endurance at high speed and freedom from the need to slow down to refuel provided by nuclear propulsion further reduce the carrier's vulnerability.

The second ship of this class, the CVAN69, is scheduled for delivery in 1974. It will replace the Bon Homme Richard which will then be a 30 year old veteran of World War II, Korea, and Vietnam.

If future analysis or budget stringency should require reduction in the attack carrier force level, this should be accomplished by retiring old carriers, not by canceling construction of new ones. Were the Navy required to operate a smaller carrier force, the improved capabilities of the Nimitz class would become even more important. The smaller the force, the more important it is that each carrier have the greatest achievable capability.

The maximum life of an attack carrier is 25 to 30 years. A 15 carrier force level requires construction of one new carrier every 2 years if they are to be replaced when they are 30 years old. If the force level were to be reduced to 12, it would be necessary to build a new carrier every 2.5 years.

The three Nimitz class attack carriers are the only ones authorized or planned from FY 1964 through 1972, a period of 9 years; this will average out to but one new attack carrier every 3 years.

If we do not continuously modernize our attack carrier force, its ability to protect our naval and overseas military forces and the logistic lifeline for our military and industrial needs against the increasing capabilities of potential enemies will be degraded.

We no longer have friendly oceans to protect us. The Atlantic and the Pacific, once our shield and our protection, are now broad highways for launching attacks against us on, above, and beneath the surface of the seas. Further, the United States, being an island, has no contiguous land masses whence we can conduct military operations to protect our national interests or from which we can obtain the fuels and materials necessary to sustain a large-scale war effort. From our island position the only way by which we can project our national power beyond range of our land bases is through the Navy. For this, other than by all-out nuclear war, we must depend primarily on our attack carriers.

There are lessons to be learned from history that we should not ignore. Germany, the predominant land power during World Wars I and II, was able to use land transportation to extend her influence and support her military and industrial effort. The Germans knew full well that the Allied war effort was almost totally dependent on overseas transportation. Therefore, they built their naval forces to interdict sea lanes—just as Russia, today's predominant land power, is now doing. German submarine and air attack on Allied shipping almost succeeded in defeating her opponents in both wars.

In contrast, Japan, an island empire, depended in World War II on the seas for her survival, as does the United States today. Aircraft carriers in that war were, therefore, the heart of the Japanese Navy. The turning point in the Pacific was the sinking of half Japan's carrier fleet in the battle of Midway in 1942. The decisive factor in her defeat was the ability of American submarine and air forces to interdict the flow of oil from overseas to the Home Islands, thus strangling her industrial and military effort and leading to her eventual collapse.

The ability of the United States to fight for an extended period of time in defense of its territory and of its areas of interest depends on our ability to maintain the flow of material and oil on the over the seas. The sheer bulk of the daily requirement of oil and petroleum products for military and intime stockpiling.

Your committee has always been fully aware that the vulnerability of our overseas logistic supply lines is greater now than in the past and that this vulnerability is increasing. This is so for the following reasons:

The increased threat of submarine attack brought about by the advent of the nuclear-powered submarine and the improvement in conventional submarines.

The increased threat of air attack because of the increased range of aircraft and missiles and their improved ability to detect targets.

The quantity of fuel that must be transported over the oceans has increased vastly because of the significantly higher consumption rate of modern military units.

Each tanker lost today has a many-fold greater impact because of the substitution of a smaller fleet of larger tankers for the large fleet of smaller tankers used in World War II. Most tankers then displaced 10,000 to 15,000 tons, the largest being 25,000 tons. Today, many tankers displace over 100,000 tons and plans are underway to build tankers of 500,000 tons and larger.

As the number of nuclear submarines and the air strike capability of our potential enemies increase, so does the difficulty of providing logistic support when supply lines are under attack.

Once more we are taught by the war in Vietnam—as so often in the past—that we must have free access to the seas. In spite of the publicity given to airlifting troops and supplies to Southeast Asia, over 98 percent

of them have been transported by ship. The war, from the naval standpoint, has been like a War College exercise. Except for naval pilots and naval personnel engaged in river warfare, our naval presence in Southeast Asia has been unchallenged. No plane has attacked our ships; no submarine has fired torpedoes at them.

If we were in a conflict involving the naval and air forces of the Soviet Union or of Communist China, our naval aircraft carrier forces would have to protect our overseas supply lines, in addition to carrying the war to the enemy. Land-based aircraft could be used only for actions within range of protected air bases. Attack carriers are mobile air bases which can be deployed or withdrawn quickly and at will to meet changing international situations, yet without altering international commitments.

The area of the world covered by our overseas land base system has been shrinking. Pressure continues at home and abroad for us to withdraw our deployed forces. As we approach the "Fortress America" concept there is a growing need for nuclear-powered attack carrier task forces capable of steaming at high speed to any point on the oceans of the world, and of conducting maximum sustained air operations for many days entirely without logistic support—a capability that can be obtained only by continuing to build nuclear-powered warships.

In modern war, particularly the kinds of war we envisage for the future, more military equipment and relatively fewer men will be used. We can no longer fight with rifles, cannon and mortars alone—all of which can be manufactured quickly and in numbers. Today's weapons—ours and those of our potential enemies—are complex and costly; it takes many years to develop and build them. Even in World War II we did not place into action a single airplane that had not been under design when we entered the war.

To build and equip a modern aircraft carrier takes 5 years. If we do not have enough of them when war erupts, it will be too late—no matter what effort and money we may then be willing to expend.

Our country is able to stay ahead in defense only because of our technology. If we do not take advantage of this technology to stay ahead we will have to fight wars with inadequate weapons and suffer higher casualties. Congress, for as long as I can remember, has done everything within its power to provide our military with the best weapons and such services that would reduce loss of life. I believe our people are willing to pay the taxes necessary to provide our men the best weapons our technology makes possible.

Nuclear aircraft carriers are expensive, as are all modern weapons. Opponents of military preparedness concentrate their criticism on the aircraft carrier because it is the largest single item of defense equipment—just as the Department of Defense, being the largest government department, has its activities and appropriations attacked more than any other department.

All weapons systems have increased in cost because of inflation and greater sophistication. Relatively speaking, however, the carrier cost has not increased as much as most major weapon systems since World War II.

On the other hand, the capabilities of today's weapon systems are much greater than those of their World War II counterparts. To give an example: The nuclear carrier Enterprise in one month off Vietnam delivered more than twice the tonnage of bombs her namesake, the conventionally powered carrier Enterprise, delivered throughout the Pacific Campaign in World War II.

When we look at the cost of a nuclear-powered carrier we should remember that toward the end of World War II the war cost us some $300 million a day; this would correspond to about $600 million a day now. The smaller cost of being adequately prepared should be set against the greater cost of risking war because of military weakness.

Delay in completing funding of the CVAN69 will increase its cost. Contracts authorized by Congress during the past two years totaling $133 million have already been placed for components. The nuclear propulsion plant for this ship is now being manufactured and the ship is scheduled for construction in series with the Nimitz, now about 20 percent complete. To hold up construction of the CVAN69, as has been proposed, will delay modernization of the attack carrier force as well as availability of nuclear propulsion in the fleet. It will disrupt continuity of the Nimitz class construction program, considerably increasing the cost of these ships.

Let me also point out that a legal interpretation of the proposed amendment, number 136 to S. 2546, to delay the CVAN69 might require termination of the contracts for the $133 million of nuclear propulsion plant components already on order from funds appropriated in FY 1968 and 1969. This would disrupt the industrial base for the Nimitz class nuclear propulsion plants. It would also have an adverse impact on the willingness of manufacturers to enter into future contracts for naval nuclear propulsion components for submarines and frigates. These manufacturers have a large market available to them due to the considerable backlog of components for civilian nuclear central stations. Lack of a firm naval nuclear program in recent years has already led some naval component suppliers to divert their facilities to civilian nuclear work.

It was the naval program which pioneered development of an industrial capability to design and manufacture nuclear reactor plant components and equipment for naval and civilian use—a development that was arduous, time consuming, expensive. Because of the potential radiation hazards relating to use of atomic energy, it was necessary to develop and implement standards for design, manufacture and quality control much higher than were being used by industry for fossil fueled power plants. Until four years ago, naval orders constituted the major part of the nuclear component business. Since then, steady reduction in the number of nuclear ships authorized each year, and expansion in civilian nuclear power have caused the demand for civilian electric utility reactors greatly to exceed the volume of naval reactor orders.

Industry currently has a backlog of over $3 billion in unfilled orders for civilian nuclear plants. Because of the growth in demand for civilian nuclear plants and the decline in and uncertainty of future requirements for naval reactors, a number of suppliers have turned to commercial work exclusively. Once a supplier leaves the naval reactor business the task of reconstituting the specialized skills, the quality control, and the engineering groups to meet naval requirements is similar in scope to starting over again. It takes years to develop a company's capability to perform to the standards required, but this capability will be lost in a short time if the experienced technical and production personnel are disbanded.

The nuclear propulsion plant components for the CVAN69 are presently in varying stages of manufacture. I estimate that about $40 million of the $133 million obligated has been expended to date. If a law requiring termination of these contracts were enacted by November 1969, I estimate that $85 million of the $133 million would not be recoverable, in view of the expenditures to date and the cost of terminating these orders in the midst of production. Further, the incomplete state of the work on these components is such that they would be of no use for any other purpose; these funds would, therefore, be wasted.

For these reasons, termination of a major portion of the outstanding naval nuclear component orders would be wasteful and would adversely affect our ability to build nuclear plants for future submarines and surface warships.

It is easy to ask for drastic reductions in our armaments; for ending the Vietnam War at once; for doing away with the draft today; spending the money saved to solve domestic problems. But those charged with responsibility for our safety cannot afford to heed these siren calls. Pacifism and unilateral disarmament are not synonymous with peace. We must separate dislike of inefficient military procurement and the desire for peace from the determination of what is needed to protect the United States. What if those who advocate reduction in our military strength prove to be in error? What ultimate gain will there be if we save money but lose our freedom?

Is the decision to build or not build a weapon to be based on cost, or is it to be based on need? The cost of weapons is one of the sacrifices we must pay in order to remain free. I, too, wish the world were different and that it were not necessary to lose lives and expend irreplaceable natural resources for defense. But we must survive in the world as it is, not as we dream it should be.

Freedom comes at a price. If we fail to pay for adequate defense now and our weakness invites attack, we will pay many times as much in dollars to wage war and infinitely more in young lives lost. And let us not forget that if we permit our military strength to erode and lose our freedom, we also lose our ability to improve the lot of our poor and relieve the plight of our cities.

It is as true today as in the past that the price of liberty is eternal vigilance. The early frontiersman had to carry his rifle while he plowed his field. So too must we today be armed while we go about our daily work.

Some may argue that we should not construct the Nimitz class carriers because the danger of war has been reduced; consequently our resources can be used for other desirable objectives. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forego recourse to arms? A glance at history should put us on guard against those who claim that humanity has now reached a state where the possibility of armed aggression can be disregarded in formulating national policy.

Although a precise comparison of U.S. and Soviet military expenditures is not available, it is clear that the U.S.S.R. is spending much more annually for new weapons than the United States. Is it then rational for us to fail to modernize our defenses, on the assumption that the danger of war no longer exists? The first priority of all life is survival; this is likewise true of nations and is the primary function of a legislature.

Preaching peace is the calling of the theologian, achieving it the calling of the statesman. Neither has been able to attain it. Universal peace has been the goal of mankind for thousands of years. The noblest of our race has striven for it—all have been unsuccessful. Then why do some believe that, despite all the lessons of history, we can today achieve peace by unilateral disarmament? The thrust of those opposed to war is presently directed at our military. Are we expected to refrain from asking for the weapons we need to protect our country? Is to ask for these weapons not our duty?

During the 1962 Cuban Crisis three attack carriers and five antisubmarine carriers were ordered to take station off Cuba. What would have happened had our Navy not been prepared to cope with the situation? There could have been a nuclear war; alternatively Cuba might today be a Russian military stronghold.

A statement by Anthony Eden, Foreign Secretary to Prime Minister Neville Chamberlain, on Britain's entry into World War II is worth pondering. He said:

"The Prime Minister would tolerate no interference in his policy toward the dictators. He believed he could negotiate agreements with Hitler and Mussolini which they would keep, and he was impatient of any events or views that appeared to him to delay this policy."

We know the results of that policy. Yet those who today oppose military preparedness take the identical position.

We have been unprepared at the outbreak of every war. We have solemnly determined at the end of each war that we will never be caught unprepared again. But the lesson is soon forgotten. Each generation must seemingly make its own mistakes.

Our adversaries are ruthless. Their leaders alone decide what is to be done. I believe that given the mentality of the present Kremlin leadership, the best way by far for us to avoid war is to be strong—strong enough to deter them from believing they can win if they make war on us. Let it be remembered that whenever there is repression in a country, its leaders are tempted to unite their people by shifting domestic discontent to foreign ventures.

In summary, I recommend that construction of the three Nimitz Class nuclear-powered attack aircraft carriers proceed in accordance with the plan which has been in effect for the last four years; and specifically that the $377 million needed to complete the CVAN69 be included in the FY 1970 shipbuilding authorization.

Respectfully,

H. G. RICKOVER.

Mr. KENNEDY. 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.

Mr. BYRD of West Virginia. I ask unanimous consent that the Senator from North Carolina be permitted to speak out of order.

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

JUDGE CLEMENT F. HAYNSWORTH, JR., AND THE DARLINGTON CASE

Mr. ERVIN. Mr. President, during the hearings being conducted by the Senate Judiciary Committee upon the nomination of Chief Judge Clement F. Haynsworth, Jr., of the fourth circuit, to be an Associate Justice of the Supreme Court, the charge has been made that Judge Haynsworth's participation in the Darlington case disclosed an antiunion bias on his part. This nomination will ultimately come before the Senate for its consideration. In order that Senators may have an opportunity to learn what a hollow ring this charge has, I have prepared an analysis of the Darlington case, and ask unanimous consent that it be printed at this point in the RECORD.

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

THE DARLINGTON CASE

Much has been said during these hearings about the *Darlington Manufacturing Company* case.

THE ISSUES IN THE DARLINGTON CASE

This case presented these questions: (1) Whether Darlington's complete and final withdrawal from business was a violation of the National Labor Relations Act. (2) If not, whether Darlington's withdrawal from business, even though final and complete, was a violation of the Act because of relations alleged to exist between Darlington and the Deering Milliken interests, which controlled some 16 or 17 other textile companies operating some 26 or 27 mills. Stating the second question more succinctly, were Darlington and Deering Milliken a single employer.

The test of whether two or more businesses constitute a single employer within the meaning of the National Labor Relations Act has been laid down by the National Labor Relations Board, which I shall hereafter call the Labor Board, as follows:

"It is now well established that for two or more legal entities to constitute a 'single employer' for purposes of assessing liability for unfair labor practices it must be shown that there was a sufficient degree of common ownership and common control of labor relations and operations so that it may be said that they engaged in a common enterprise . . ."

Under the law, a common enterprise is an enterprise in which two or more individuals or corporations share equally or alike.

EVENTS OUT OF WHICH THE CASE AROSE

To understand the issues involved in the *Darlington* case, a knowledge of the background of the case is necessary. Darlington was an old textile plant, which began operations in 1883. Originally, none of the family of Roger Milliken had any interest in Darlington. In 1937, however, Darlington went into bankruptcy and was reorganized and continued in business because Deering Milliken interests accepted stock in the reorganized company in lieu of debts owing them by Darlington. In 1956, Darlington had 150,000 shares of stock outstanding. Of this stock, 41.4% was held by a sales corporation, Deering Milliken and Company; 18.3% by the Cotwool Manufacturing Company, a textile manufacturing corporation controlled by Deering Milliken interests; 6.4% by Roger Milliken and the immediate members of his family; and 2.9% was held by directors and employees of Deering Milliken and Company. The remaining outstanding stock, which totaled 31%, was held by 200 other stockholders who had no connection whatever with Deering Milliken interests or any textile plant operated by them.

Darlington did not have a very prosperous career following its reorganization. It managed to survive, however, because of economic benefits accruing to the textile industry during the Second World War and the Korean Conflict. During 4 of the 5 years preceeding its dissolution, it managed to earn only a 3% return on its invested capital. During the year of its dissolution, it lost $40,000. and was confronted with the prospect of losing $240,000. additional during the following year.

As a consequence of these things, the board of directors, which consisted of Roger Milliken and three other directors affiliated with Deering Milliken interests and there independent directors, employed an efficiency engineering concern to devise a plan which would enable Darlington to continue in business as a viable economic entity. The engineering concern recommended to the directors of Darlington as the only plan which would continue Darlington in existence as a viable economic entity the expenditure of considerable sums of money to renovate its plant and to reequip it with new machinery. It also stated in its report to the directors that it was necessary for Darlington to obtain more efficient services from its employees if it were to survive economically. Pursuant to the recommendations of the engineering concern, Darlington began to renovate its plant and to purchase new machinery.

At this time, organizers of the Textile Workers Union of America appeared upon the scene and began an organizing campaign in which they pledged to the employees of Darlington that the union would not permit Darlington to carry out the recommendations of the engineering firm if a majority of the employees of Darlington chose the union as their bargaining agent in an election to be held under the direction of the Labor Board.

This election was held on September 6, 1956, and the union won the election by a 6-vote margin out of the 510 votes cast by Darlington employees. In view of the financial losses Darlington was currently sustaining, the board of directors concluded that the arrival of the union and its pre-election pledge that it would not permit Darlington to do the things which the engineering concern had detailed as necessary to its survival as a viable economic entity doomed any prospect for successful operation of Darlington's plant in the future. Accordingly, the 7 directors, including the 3 having no relationship whatever to the Deering Milliken interests, met on September 12, 1956, and voted to recommend to the stockholders that they dissolve the corporation and thus salvage for themselves their respective equities in the assets of the company.

On October 17, 1956, the stockholders met and voted by 134,911 shares to 3,774 shares to dissolve the company and divide the assets remaining after the payment of its debts among the stockholders according to their respective equities. It is noteworthy that virtually all of the 200 independent stockholders voted for Darlington to take this action.

During the next 6 weeks, Darlington completed the filling of its existing orders and discharged its employees. The plant was closed on November 24, 1956, and shortly thereafter, i.e. on December 12 and 13, 1956, Darlington sold all of its equipment and machinery, which had been dismantled, at public auction. Darlington has not operated any plant anywhere since that time, and shortly after its cessation of business, it was dissolved as a corporation pursuant to the law of South Carolina.

PROCEEDINGS BEFORE THE LABOR BOARD

Meanwhile, on October 16, 1956, the Textile Workers Union filed a charge against Darlington alleging that it had committed an unfair labor practice in going out of business.

The General Counsel of the Labor Board issued a complaint on this charge and the Labor Board assigned one of its most competent and diligent trial examiners, Lloyd Buchanan, to hear the evidence offered by the parties in relation to the charge.

The hearings were begun in January, 1956. During the course of the hearings, the Textile Workers Union offered evidence which it contended would show that Darlington was one of a chain of mills controlled by Deering Milliken Company, the sales corporation. The trial examiner rejected this evidence on the ground that it was not competent under the allegations made by the union in the original charge.

On April 30, 1957, the trial examiner filed his original intermediate report in which he found that the directors and the stockholders of Darlington had sufficient economic reasons to justify its going out of business and distributing its assets among its stockholders in accordance with their respective equities. He concluded, however, that Darlington had committed an unfair labor practice because it went out of business at the particular time it did because of the advent of the union. He found further, however, that Darlington would have had to have gone out of business within the immediate future because of the dire economic situation confronting it. He concluded that Darlington could not be required to reinstate its discharged employees

because it no longer had a manufacturing plant, and he recommended that the Labor Board refrain from allowing any allegedly lost wages because of the uncertainty of the time at which Darlington would have been compelled by economic circumstances to close if it had elected to operate subsequent to the advent of the union. The Labor Board took no action upon this intermediate report until December 16, 1957. On that date, the Labor Board, by a 3 to 2 vote, entered an order postponing any decision on the merits of the proceeding and remanded the proceeding to the trial examiner with direction that he take evidence concerning any relationship between Darlington and Deering Milliken and Company, Inc., the sales corporation.

Pursuant to the order of remand, Deering Milliken and Company, the sales corporation, was made a party to the proceedings, and the trial examiner thereupon conducted hearings in which 2,500 pages of additional testimony were taken and 400 pages of exhibits were received. On December 31, 1959, the trial examiner filed a supplemental intermediate report in which he found that Deering Milliken and Company did not occupy a single employer status with Darlington and recommended the dismissal of the charges as to Deering Milliken and Company.

The Labor Board took no action upon the trial examiner's supplemental intermediate report between December 31, 1959 and January 9, 1961.

Meanwhile, it was revealed by the press that in June, 1960, Deering Milliken and Company, which had always been a sales corporation and not a manufacturing company, and Cotwool Manufacturing Company, a textile manufacturing corporation controlled by the Deering Milliken interests, had merged into a new corporation under the name of Deering Milliken, Incorporated.

At some time thereafter, the Textile Workers Union filed a motion with the Labor Board asking the Board to remand the proceeding to the trial examiner to take evidence concerning the merger of these two corporations.

On January 9, 1961, the Labor Board, by a 3 to 2 vote, remanded the case to the trial examiner for this purpose.

PRECEDING LITIGATION

Thereupon the merged corporation, i.e. Deering Milliken, Incorporated, brought a suit in the U.S. District Court for the Middle District of North Carolina against Reed Johnston, Regional Director of the Labor Board for the areas embracing North and South Carolina, praying that he be enjoined from carrying out the order of remand. The U.S. District Court for the Middle District of North Carolina issued an injunction forbidding the Regional Director of the Labor Board to carry out the order of remand and the Regional Director appealed from this judgment to the Court of Appeals for the 4th Circuit.

The decision of the Circuit Court, which was entitled *Deering Milliken, Incorporated* v. *Johnston, as Regional Director of the Labor Board*, and which is reported in 295 F 2d 856, was handed down on October 13, 1961 and was written by Judge Haynsworth. The opinion states, in substance, that the proceeding had been pending before the Labor Board since about October, 1956, and that the Labor Board had not performed its statutory duty to decide the proceeding within a reasonable time. Despite these statements, whose truth cannot be disputed, Judge Haynsworth modified the injunction issued by the U.S. District Court for the Middle District of North Carolina and authorized the Regional Director to carry out the remand order to the extent of requiring the trial examiner to take evidence concerning the merger of the two corporations and other circumstances relating thereto.

I digress to note that this decision was never appealed to the Supreme Court and has never been overruled by the Supreme Court in any other case. Manifestly, Judge Haynsworth's action in this instance did not show any antiunion bias on his part because the decision was favorable to the union.

FURTHER PROCEEDINGS BEFORE LABOR BOARD

Subsequent to this decision, the trial examiner conducted further hearings and filed a third report in which he reached these conclusions: (1) That Darlington had violated the National Labor Relations Act by going out of business at the particular time it did because it was motivated in part by the union victory, but inasmuch as it had not been shown that Darlington would, in the existing economic circumstances, have continued to operate its mill for any definite additional period of time, any financial assessment against it would be punitive in nature and should not be made; and (2) That the General Counsel of the Labor Board and the union had "clearly failed" to demonstrate that Darlington and Deering Milliken constituted a single employer within the meaning of the Act. Subsequently, to wit, on October 18, 1962, the Labor Board handed down its decision with members Rodgers and Leedon dissenting. The majority of the Labor Board ruled, in substance, that even though it had genuine economic reasons for going out of business, Darlington violated Section 8(a)(3) of the Act because the closing of its plant was partly attributable to the employees' selection of the union.

It is to be noted that the 3 to 2 decision of the Labor Board required Darlington, in essence, to ignore the fact that in addition to its other economic woes, a union had appeared in its plant which had pledged itself to defeat the only program by which Darlington and the impartial engineering concern believed Darlington could survive economically.

The 3 to 2 majority of the Labor Board also reversed the trial examiner on the single employer issue and held that Darlington and Deering Milliken were a single employer and that in consequence Deering Milliken was legally responsible for Darlington's action.

THE FIRST DECISION OF THE CIRCUIT COURT IN THE DARLINGTON CASE

The decision of the Labor Board was appealed to the U.S. Court of Appeals for the 4th Circuit, sitting *en banc*, which by a 3 to 2 vote refused to enforce the Labor Board decision.

The decision of the Court of Appeals was written by Circuit Judge Bryan, one of the ablest jurists of our land, and is reported in 325 F.2d 682. The basis of the decision of the Court of Appeals is stated in these words in Judge Bryan's opinion: "To go out of business *in toto* or to discontinue it in part permanently at any time, we think, was Darlington's absolute prerogative." The Court of Appeals did not pass upon the single employer issue because of its conviction that the closing of Darlington did not constitute an unfair labor practice regardless of whether Darlington was a single legal entity or a part of the Deering Milliken chain.

The opinion and decision of the Circuit Court in the *Darlington* case was in accord with the overwhelming majority of decisions of U.S. Courts of Appeals in the various circuits. It seems appropriate at this time to call attention to three of these decisions.

The first is *Jay's Foods' Inc. v. NLRB*, 202 F.2d 317, 320, a 7th Circuit Court decision, which raised the issue as to whether the employer had committed an unfair labor practice in eliminating a part of its business, namely, an automobile repair shop which had been unionized. The Court declared that—

"An employer has a right to consider objectively and independently the economic impact of unionization of his shop and to manage his business accordingly. Fundamentally, if he makes a change in operations because of reasonably anticipated increased costs, regardless of whether they are caused by or contributed to by the advent of a union or by some other factor, his action does not constitute discrimination within the provisions of section 8(a)(1), (3) and (5) of the Act."

The second is *NLRB* v. *Rapid Bindery, Inc.*, 293 F. 2d 170, 172, 174, a 2nd Circuit decision, where the employer was charged with an unfair labor practice because he closed one of his plants and transferred all of his business to a second plant operated by him. The court declared that—

"Respondents admit that they were something less than happy to have the Union appear on the scene at a time when economic considerations were making some sort of a change in their business operations mandatory. . . .

"However, from the evidence that was admitted it is clear that the transfer of operations from Dunkirk was indeed economically necessary. Despite this, the examiner found that the move was not made solely for economic reasons but was made 'in an atmosphere redolent with hostility toward the Union, and for the purpose of discouraging membership in it', and consequently that the respondents violated section 8(a)(3).

"We are of the opinion that this last finding is an erroneous one in that it is not supported by substantial evidence and is not in accord with the law as the law has developed under section 8(a)(3) . . .

"In those situations where a change or discontinuance of business operations is dictated by sound financial or economic reasons the courts have refused to find that section 8(a)(3) has been violated even though the employer action may have been accelerated by union activity."

The third case is *NLRB* v. *R. C. Mahon Company*, 269 S. 2d 44, 47, a 6th Circuit decision, where the employer was charged with an unfair labor practice by eliminating one of his departments, namely, a plant guard department which had been unionized. In that case, the court declared that—

"We find nothing in the National Labor Relations Act which forbids a company, in line with its plans for operation, to eliminate some division of its work. As held in *National Labor Relations Board* v. *Adkins Transfer Company, Inc.*, supra, an employer faced with the practical choice, either of paying enhanced wage rates demanded by a union or of discontinuing a department of its business, is entitled to discontinue. The findings of fact and conclusions to the contrary made by a majority of the Board are not supported by substantial evidence on the record considered as a whole nor do they accord with the applicable law."

THE SUPREME COURT DECISION IN THE DARLINGTON CASE

The Labor Board and the Textile Workers Union appealed the Circuit Court decision to the Supreme Court of the United States. As appears by the decision of the U.S. Supreme Court, which is reported in 380 U.S. 263 and was handed down on March 9, 1965, these two legal issues were raised by the appeal: (1) Whether Darlington's closing constituted an unfair labor practice under the National Labor Relations Act if Darlington constituted a separate enterprise; and (2) Whether Darlington's closing constituted an unfair labor practice under the Act if Darlington and Deering Milliken were a single employer.

I argued the first of these issues before the Supreme Court and Mr. Stuart Updike argued the second. In my appearance before the Supreme Court, I advanced these alternative arguments to justify the position that Darlington had an absolute right to go out of

business if it constituted a separate enterprise:

1. That any private employer in America has an absolute right under the National Labor Relations Act itself to go out of business for any reason satisfactory to him.

2. That if the National Labor Relations Act should be interpreted to deny any private employer in America this absolute right, the Supreme Court would have to adjudge the act unconstitutional upon these two grounds: (1) The act would exceed the legislative power vested in Congress by the Interstate Commerce Clause; and (2) The act would deprive the private employer of his property without due process of law in violation of the Fifth Amendment.

Manifestly, the power of Congress to regulate interstate commerce does not authorize it to regulate a private business after it completely and permanently ceases the operation of a business affecting interstate commerce.

Moreover, Congress would be depriving a private business concern of its property without due process of law if it enacted a statute compelling such concern to continue in operation against its will merely for the purpose of giving employment to individuals having no interest in its property.

The Supreme Court sustained my initial argument by saying that: . . . "We hold that so far as the Labor Relations Act is concerned, an employer has the absolute right to terminate his entire business for any reason he pleases, but disagree with the Court of Appeals that such right includes the ability to close part of a business no matter what the reason. We conclude that the cause must be remanded to the Board for further proceedings." . . .

The Supreme Court further declared:

"While we thus agree with the Court of Appeals that viewing Darlington as an independent employer the liquidation of its business was not an unfair labor practice, we cannot accept the lower court's view that the same conclusion necessarily follows if Darlington is regarded as an integral part of the Deering Milliken enterprise.

"The closing of an entire business, even though discriminatory, ends the employer-employee relationship; the force of such a closing is entirely spent as to that business when termination of the enterprise takes place . . . By analogy to those cases involving a continuing enterprise we are constrained to hold, in disagreement with the Court of Appeals, that a partial closing is an unfair labor practice under 8(a)(3) if motivated by a purpose to chill unionism in any of the remaining plants of the single employer and if the employer may reasonably have forseen that such closing would likely have that effect."

The Supreme Court adjudged that the Labor Board had failed to make findings and rulings with respect to whether the requisite "purpose" and "effect" had in fact existed in respect to the closing of Darlington and ordered the proceeding remanded to afford the Labor Board an opportunity to make findings and rulings on these matters. It noted that the Circuit Court had not passed on the question whether the evidence sustained the finding of the Labor Board that Darlington and Deering Milliken were a single employer within the meaning of the Act and observed that if it became necessary for it to do so, the Circuit Court could determine that question after the Labor Board had made findings and rulings with respect to the requisite "purpose" and "effect". The Supreme Court clearly stated that nothing in its opinion remanding the proceeding could be construed to express any opinions on any questions of fact.

I take issue with the assertion made in these hearings that the Supreme Court unanimously reversed the 1963 decision of the Circuit Court of Appeals. To be sure, it disagreed with the Circuit Court's view concerning the right of an employer to go out of business partly even if he had a discriminatory purpose for so doing.

In legal effect, the Supreme Court reached a conclusion similar to that of the Circuit Court. It was that the Labor Board had not passed upon certain issues essential to the determination of the proceeding, and for that reason no order enforcing its decision could be entered.

FURTHER PROCEEDINGS BEFORE LABOR BOARD

Pursuant to the decision of the Supreme Court, the proceeding was successively remanded to the Circuit Court, the Board, and the hearing examiner. The hearing examiner conducted further hearings and made a "Trial Examiner's Supplemental Decision", in which he made these findings and this recommendation:

"Having found and concluded on the evidence received at this hearing as well as on the record previously made and in the light of the opinion of the Supreme Court and the Board's remand order,

"1. That the persons exercising control over Darlington did not act to close it in order to discourage unionization at other Deering Milliken plants (I am now regarding them as an integral part of the Deering Milliken enterprise) or elsewhere; and

"2. That the evidence adduced does not indicate either

(a) That is was realistically foreseeable that employees at other Deering Milliken plants or elsewhere would fear that their place or employment would be closed down if they persisted in organization activities; or

(b) That such other employees were in fact led so to fear, I recommend:

"That any allegation or claim of violation of Section 8(a)(3) of the Act because of chilling purpose or effect as defined in the Supreme Court's opinion of March 29, 1965, with respect to employees in plants or businesses other than Darlington Manufacturing Company be dismissed."

On June 29, 1967, the Labor Board rejected the findings and the recommendation of the trial examiner by the vote of 4 of its members, the 5th member not participating.

It found that Darlington was closed for the purpose of chilling unionism in the Deering Milliken plants and that it had the effect of so doing, and that in consequence Darlington and Deering Milliken were required to make the discharged employees of Darlington whole for lost wages until they obtained other employment or were placed on a preferential hiring list at Deering Milliken Mills.

THE SECOND DECISION OF THE CIRCUIT COURT IN THE DARLINGTON CASE

Darlington and Deering Milliken appealed the decision of the Labor Board to the Circuit Court of Appeals, and on May 31, 1968, the Circuit Court of Appeals affirmed the decision of the Labor Board in an opinion written by Judge Butzner and concurred in by Judges Sobeloff, Winter, and Craven. Judge Haynsworth wrote a concurring opinion in harmony with the majority opinion, which noted other questions that had not been passed on. Judge Bryan wrote a dissenting opinion in which Judge Boreman concurred.

I find it difficult to accept the assertion made by some in this hearing that Judge Haynsworth's vote in the 1963 decision to deny enforcement of the Labor Board's decision or his action in the 1968 decision indicate anti-labor bias on his part. His vote in the 1963 decision is in perfect harmony with the decision of the Supreme Court holding that the proceeding was not ripe for an enforcement of the Labor Board's decision at that time because the Board had failed to make findings and rulings concerning certain crucial issues, and his vote in the 1968 decision was in favor of the victory which the union achieved by that decision. Personally, I am unable to concede that any judge is biased against a party when he joins in rendering a decision in favor of that party.

The majority of the Circuit Court decreed enforcement of the Board's decision, and the proceeding is now in the hands of the Labor Board for this purpose—13 years after it originated.

It is appropriate to end this phase of my statement with some observations made by James J. Kilpatrick in a column entitled "Deering Milliken Dispute: A Landmark Case", which appeared in The Washington Star on September 11, 1969. Mr. Kilpatrick said:

"In the course of its hearings on the nomination of Clement Haynsworth to the Supreme Court, the Senate Judiciary Committee will find itself nibbling at the edges of one of the landmark cases of labor law—the great Deering Milliken case from Darlington, S.C.

"No other case quite like it has ever come along. You have to go back to Charles Dickens' fictional masterpiece, the chancery cause of Jarndyce v. Jarndyce, to find a legal proceeding so likely to interest the lawyers and to baffle the clients. The great Deering Milliken case has been pending now for thirteen years this month.

"The story actually dates from 1883, when the Darlington Manufacturing Company came into existence. Apparently the company never knew happy days. In 1937, heavily in debt, it went into bankruptcy. The Deering Milliken interests took over a two-thirds ownership at that time. The company limped through the war years, but by the early 1950's its profits were under 3 percent.

"Darlington may not have been the poorest of D-M's 27 mills, but it was among the most feeble. The company was operating in a building erected prior to 1900. It was working 40-inch looms when the market demanded wider cloth. Its print-cloth products were out of style. By early 1956, seven of its ten best customers were cutting back.

"At this juncture, the Textile Workers Union (AFL–CIO) appeared on the scene, with an intensive organizing campaign at the Darlington plant. The company strongly resisted, warning that higher production costs might kill the operation altogether, but on Sept. 6, 1956, the union won a recognition election by 258–252. It was the last straw. On Sept. 12, the Darlington directors and stockholders voted overwhelmingly to liquidate the business.

"The union at once challenged this decision. Months of hearings followed. At last, the National Labor Relations Board, in a 3–2 ruling, held that a plant closing prompted even in part by employees' union activities constitutes an unfair labor practice. The NLRB ordered Deering Milliken to make restitution.

"In November of 1963, the Fourth U.S. Circuit Court voted 3–2 to reverse the NLRB. The majority opinion was by Judge Albert Bryan; Judge Herbert Boreman and Judge Haynsworth joined him. They felt that it was Darlington's 'absolute prerogative' to go out of business whenever it wished.

"Five more years of litigation followed. The Supreme Court remanded the case to the NLRB, which again ruled against Deering Milliken. At long last, in May of 1968, a still-divided Fourth Circuit Court—this time Haynsworth reluctantly concurred—directed enforcement of the NLRB order: Back pay would have to be paid.

"For the past 16 months, the NLRB regional office at Winston-Salem has been engaged in a stupendous task. It has been tracking down the 523 workers who were on the Darlington payroll in September of 1956. Some have died. About 30 cannot be located at all. Most of the workers found other employment in a few months or a couple of years after Darlington was closed and its machinery sold at auction. Some workers who were in their late 50's and early 60's never found equivalent jobs.

"Using crystal balls, tea leaves, informed

guesses, Social Security records, and individual interviews, the NLRB now must draw up a backpay specification. If Darlington had stayed in business—and the company's contention is that Darlington was doomed regardless of the union's victory—how much would each worker have earned before he obtained an 'equivalent' job?

"Reed Johnston, the NLRB's regional director, says his task will be done in 1970. Then his findings go to a trial examiner, thence to the NLRB, thence to the courts for review, and thence, and thence . . . New platoons of lawyers will appear, representing survivors, minor children, and relatives of claimants. After thirteen years, an end is not even distantly in sight."

UNSATISFACTORY PROCEDURAL RULES GOVERNING CASES ARISING UNDER NATIONAL LABOR RELATIONS ACT

The tribunal which has the duty to decide a litigated case must apply the relevant law to the facts of the case. Since the testimony of witnesses usually puts the facts in dispute, the tribunal must have a procedure for finding the facts. The experience of generations has shown that the most reliable procedure for finding the facts from conflicting evidence is for the finder of the facts to see the witnesses and observe their appearance and demeanor while testifying. By so doing, the finder of the facts can determine most effectively the value and trustworthiness of the testimony of the various witnesses.

This procedure for finding the facts prevails in courts of law where the trial judge or the trial jury finds the facts from the conflicting testimony of the witnesses and where there are methods for correcting erroneous findings of fact.

It is otherwise with respect to proceedings under the National Labor Relations Act. This Act makes the Labor Board the sole finder of the facts, but under the controlling regulations that Board does not see the witnesses. The testimony in a proceeding under the Act is heard by a trial examiner who has an opportunity to observe the appearance and demeanor of the witnesses and who reports the testimony and his recommendations upon it to the Board in writing. The Board makes its finding of fact solely upon the basis of the written testimony presented to it by the trial examiner and has absolute and unreviewable authority to reject any recommendations made to it by the trial examiner with respect to what facts should be found.

Since the Board has no opportunity to judge the value and trustworthiness of the testimony of the various witnesses by observing their appearance and demeanor while testifying, it is comparatively easy for the Board to reach erroneous conclusions from the conflicting testimony of the witnesses. Obviously the testimony of an Ananias and a George Washington look alike when reduced to cold print.

Another unsatisfactory rule of procedure applicable to proceedings under the National Labor Relations Act is the statutory rule which makes the findings of fact of the Board binding upon the Circuit Courts and the Supreme Court if they are "supported by substantial evidence on the record considered as a whole." As a practical matter, this means that a Circuit Court of Appeals and the Supreme Court must accept the findings of fact of the Labor Board if such findings are supported by any evidence, even though the evidence accepted by the Board is incredible in nature or is contradicted by overwhelming testimony to the contrary. This statutory rule is inconsistent with the rule governing courts of law where findings of fact must be supported by the greater weight or preponderance of the evidence.

As an inevitable consequence of the statutory rule governing proceedings under the National Labor Relations Act, a party to a proceeding under the Act has no remedy whatsoever against erroneous or biased findings of fact.

Circuit Judge Hutcheson of the Fifth Circuit made some comments upon this in his opinion in *N.L.R.B.* v. *Caroline Mills, Inc.*, 167 F. 2d 212, 213, when he stated that Circuit Courts are not permitted to review Labor Board proceedings to determine whether the findings of fact made by the Board "have been fairly, impartially, and justly arrived at", but whether they are supported by any evidence in the case. He indicated that the findings of fact in that particular case were biased findings by saying that the case presented "the usual picture of supporting findings arrived at by a process of quite uniformly 'crediting' testimony favorable to the charges and as uniformly 'discrediting' testimony opposed."

Despite my reluctance to do so, I am compelled by truth to observe that many persons experienced in proceedings before it assert that the Labor Board which sat on the *Darlington* case is not an impartial tribunal, but on the contrary has a bias which prompts it to prefer unions over management, strong unions over weak unions, unions over dissenting members, and unions over individual employees who do not wish to be unionized. Those who make this assertion cite chapter and verse which they allege proves its truth.

THE TESTIMONY IN THE DARLINGTON CASE

I wish to make some observations at this point as to what I believe the evidence in the *Darlington* case actually showed. I will neither affirm nor deny that my views on this matter are influenced by the fact that I was an advocate in the case. I will assert, however, that my views are firmly and honestly held.

None of the members of the Labor Board or of the courts which considered the *Darlington* case saw any of the witnesses or had any opportunity to observe their appearance and demeanor while testifying. Of all the public officers involved in the case, only Lloyd Buchanan, an impartial and competent trial examiner, had this opportunity. Notwithstanding this fact, his recommendation to the Board in respect to the testimony were rejected by the Board.

As the trial examiner appraised the testimony, it failed to establish that Darlington and Deering Milliken were a single employer. I am satisfied that a majority of the members of the Fourth Circuit Court of Appeals would have concurred in his appraisal of the testimony relating to this question if the statutory rule had permitted them to look behind the finding of the Labor Board, and make their own appraisal of the evidence relating to this issue.

Under the decision of the Supreme Court, there could be no liability in the *Darlington* case for the closing of Darlington unless Darlington constituted a single employer with the Deering Milliken mills, and unless Darlington was closed for the purpose of chilling unionism at the Deering Milliken mills and had the effect of doing so. In the very nature of things, motivation involves the state of mind of the persons taking the action under inquiry, and must be established by inferences drawn from facts. As the trial examiner appraised the testimony, Darlington was not closed for the purpose of chilling unionism at Deering Milliken plants elsewhere, and did not have any such effect. The Labor Board rejected the trial examiner's appraisal of the evidence on these points and found as a fact that the "purpose" and the "effect" essential to liability existed.

I honestly believe that a substantial majority of the seven judges of the Fourth Circuit Court who sat in the *Darlington* case would have reached the same conclusion that the trial examiner reached if they had been permitted by law to go behind the findings of the Labor Board and make their own appraisal of the facts in respect to "purpose" and "effect."

Judge Bryan and Judge Boreman who, were familiar with all the testimony, concluded that the findings of the Labor Board in respect to the requisite "purpose" and "effect" were not supported by any evidence. They concluded that this was the only inference which could be rightly drawn from the testimony, i.e., that the directors and stockholders of Darlington dissolved the company because they honestly and reasonably believed that existing conditions made it impossible for Darlington to remain in business as a viable economic enterprise, and that common prudence required its dissolution and the distribution of its assets among the stockholders according to their respective equities. I share in full measure their views as to what the final decision in the case should have been.

To enable others to pass on this matter for themselves, I insert at this point in my remarks a copy of the dissenting opinion which expresses the views of Judge Bryan and Judge Boreman.

Albert V. Bryan, Circuit Judge (dissenting):

The Supreme Court's prefatory recount of the facts, 380 U.S. 263, 85 S.Ct. 994, 13 L.Ed. 2d 827 (1964), necessarily taken from the Board's findings, discloses a complete knowledge of all of the conduct and tie-ins which is now the predicate of the majority opinion. These premises the Supreme Court declared fell "short of establishing the factors of 'purpose' and 'effect' which are vital requisites of the general principles that govern a case of this kind." The controversy was remanded to the Board to make further findings.

Nothing significantly new was introduced *after* the remand. This is the observation of the trial examiner who heard the evidence on the return of the case to the Board. Indeed, this is manifest too in the majority's reliance now on what was said in dissent here, of course *before* the appeal, 325 F.2d 682, 689 (1963). My difficulty is understanding how our Court sees the facts as supporting "purpose and effect" where the Supreme Court could not.

A single director's, Roger Milliken, statements, writings and attitude are now imputed to the entire board of directors, and a majority of the stockholders, of Darlington by the Court to sustain the NLRB's finding that both the purpose and foreseeable effect of the plant closure was to "chill unionism" in the other Milliken plants. All of the power of Roger Milliken, and the entire linkage of Darlington with the other Milliken corporations, upon which the Court now counts, were known to the Supreme Court when it decided this case, and yet it did not think this evidence sufficient to arrive at the judgment now delivered by our majority.

The answer is that for its support the majority draws inferences and makes assumptions which are not warranted by the proof. With nothing to sustain it, the majority terms some of the Milliken units as "paper corporations". Also, it adopts a sweeping implication that their directors would do just exactly what Roger Milliken wished, for fear they be at once removed and replaced by him to register his views. This undeserved derogation of the directors stands refuted both by the absence of evidence to establish it, and by obstinate facts and testimony exactly opposite.

Darlington was closed for economic reasons according to its directors. At least they said so and gave the basis of their determination. The NLRB recognized this fact. In its supplemental decision it admitted that,

"(a)ccording to the testimony in this case, the financial condition of Darlington was discussed at the board meeting. It was brought out that Darlington had averaged less than a 3 percent return on invested capital in the previous 5 years, including the current year in which a loss of $40,000 was expected, and that, if market prices did not

rise or costs decrease, a loss of $240,000 could be anticipated in the following year."

There was no impeachment of the Darlington's board's word save NLRB's argument, now accepted by the majority, that the members' votes were nothing more than echoes of Roger Milliken's partisanship. Truth is the directors were persons of conviction and *unquestioned* character. There were 7 including Roger Milliken, and 3 of them had no interest in any other Deering-Milliken corporations. The remaining 3 were connections of the Milliken family. The relationship alone does not impugn their evidence on the economic advisability of the plant closing.

The stockholders must also be found unworthy of belief, for they voted to ratify the directors' action. Additionally, the directors of Cotwool and Deering Milliken must also be condemned in similar fashion. Each board voted, in favor of the closure, all of the Darlington shares held by its corporation, constituting a majority of Darlington's outstanding stock.

The NLRB's supplemental decision, upheld by the court, tells Darlington that it did not have a right to liquidate after the union election but instead should have made that decision prior to the election. With the financial losses that Darlington was currently sustaining, the corporation reasoned quite realistically that the foreseeable additional costs resulting from the arrival of the union, would be simply too much for the corporation to bear. Surely this consideration may be indulged, and acted upon, without offense to the National Labor Relations Act—indeed even if it be a mistaken conclusion.

The Trial Examiner emphasized that, "I find and conclude from all of the testimony * * * at this hearing, *confirmed* by that *previously* received, that a purpose at Darlington with respect to employees elsewhere has not been shown; and that testimony concerning related events at other mills is slight, considering quantity and credibility, and that such events can not be causally traced to a chilling purpose at Darlington." (Accent added.)

I think it appalling that the Board and the courts may step into a business and tell the directors that their judgment of the economics of their business was not correct, that it did not warrant the closing of their plant and that in reality they were evilly motivated in reference to union organization. More astounding, the Board presumes to know better than do the directors the basis for their decision—that they were simply paying servile obeisance to another.

I would not enforce the Board's order.

Boreman, Circuit Judge, authorizes me to state that he joins in this dissent.

CIRCUMSTANCES ATTENDING MY APPEARANCE BEFORE THE SUPREME COURT

It seems not altogether amiss to make some comments at this time on the circumstances attending my appearance before the Supreme Court in the *Darlington* case.

I had no connection with the *Darlington* case before it reached the Supreme Court, and have not participated in it since the Supreme Court decided it.

The Labor Board had made this decision in the *Darlington* case: Even though Darlington was a separate enterprise, and even though its bleak prospect of survival as a viable economic unit had been further dimmed by the advent of a union pledged to prevent it from carrying out a program it deemed necessary to insure its survival, the National Labor Relations Act denied Darlington the right to go out of business completely and permanently, and thus to enable its stockholders to salvage their equities in its remaining assets, because Darlington's decision to do so at the particular time it acted had been found by the Labor Board to have been influenced to some degree by its displeasure with the union's narrow victory in the representation election.

The Circuit Court had rejected this interpretation of the National Labor Relations Act and refused to enforce the Labor Board's decision on the ground that a private employer had an absolute right "to go out of business in toto or to discontinue it in part permanently at any time" for any reason—a decision which was supported by the overwhelming weight of authority among Circuit Courts up to that time. The Supreme Court had agreed to review the ruling of the Circuit Court.

At this time, I was asked to appear before the Supreme Court in behalf of Darlington and argue one proposition, and one proposition only, namely, that any private employer has an absolute right under the National Labor Relations Act and the Constitution to go out of business completely and permanently for any reason.

I do not know who decided I should be requested to argue this proposition before the Supreme Court. Candor compels the confession that I was highly honored by the request because Darlington and Deering Milliken were already represented by some of America's ablest lawyers. I was informed, in substance, that the request was made of me because I was known to entertain the abiding conviction that the chief objective of the Constitution is to protect Americans from tyranny, regardless of whether it comes from the legislative or the executive or the judicial branches of government.

I thereupon agreed to appear before the Supreme Court and argue that any private employer has an absolute right to go out of business completely and permanently for any reason satisfactory to himself. I did so because I know that this right must be recognized and respected if our country is to remain the land of the free.

To be sure, I received compensation for my services as an attorney, which was duly reported for income taxation to the appropriate officials of the United States and North Carolina. Inasmuch, however, as the principle I advocated before the Court is essential to the continued existence of my country as a free society, I would have embraced an opportunity to champion it before the Court without compensation—a course I followed in *Flast v. Cohen*, 392 U.S. 83, where I had the privilege of joining a great lawyer, Leo Pfeffer, in defending the right of Americans to be free from Federal taxation for the support of religious institutions.

It is absurd to suggest, as Mr. Meany did during his appearance before the Judiciary Committee, that in supporting the President's nomination of Judge Haynsworth for the post of Supreme Court Justice, I am merely "arguing for my clients."

The truth is I have no clients nowadays. My obligations as an attorney in the *Darlington* case have been fully performed. Moreover, I am under no obligation to any person on earth which impairs one iota my capacity and my purpose to perform my duties as a United States Senator in accordance with my own honest judgment. At the risk of appearing immodest, I will confess my belief that the people of North Carolina have returned me to the Senate by overwhelming majorities on four occasions because they know that I carry my own sovereignty under my own hat.

I do not know what persons connected with Darlington and Deering Milliken think of Judge Haynsworth. But if they adopt a test similar to that expressed, in essence, by witnesses for the AFL–CIO before this Committee, i.e., that no judge ought to be promoted to the Supreme Court if he has ever decided any case in a manner displeasing to them, the persons connected with Darlington and Deering Milliken must be opposed to Judge Haynsworth, who on two occasions joined the majority of the Fourth Circuit Judges in decisions in the *Darlington* case adverse to them.

WHY I SUPPORT THE NOMINATION

I did not know Judge Haynsworth personally until these hearings began. I base my purpose to support his nomination solely upon his decisions and opinions as a Judge of the United States Court of Appeals for the Circuit in which I reside. These decisions and opinions have engendered in my mind an abiding faith that Judge Haynsworth will perform the duties of a Supreme Court Justice with what Edmund Burke called "the cold neutrality of the impartial judge." America must have Supreme Court Justices who will do this if her people are to enjoy equal justice under law.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. KENNEDY. 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 cal be rescinded.

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

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

AMENDMENT NO. 177

Mr. METCALF. Mr. President, I call up amendment No. 177 and ask that the amendment, beginning on line 6 of page 1 and carrying over through line 2 on page 2 of the amendment, be read at this time.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Montana (Mr. METCALF) offers an amendment:

On page 86, between lines 18 and 19, insert the following:

"(j) At the commencement of any inspection of a coal mine by an authorized representative of the Secretary, the authorized representative, if any, of the miners at the mine at the time of such inspection shall be given an opportunity to accompany the authorized representative of the Secretary on such inspection.".

Mr. METCALF. Mr. President, the whole purpose of the amendment is to provide that when the representative of the Secretary, the mine inspector, goes into a mine and makes an inspection, some member of the union or, if there is not a union, some worker be authorized to accompany the inspector to see what he has inspected and to report back to the miners.

This is a very important amendment because many of the miners would say, "Well, that inspection was a whitewash. The inspector just walked through the mine and did not observe any violations." This might be said if a representative of the union or a representative of the employees in whom the employees have confidence does not accompany him.

The only purpose of the amendment is to require the mineowner to let one of the representatives of the employees ac-

company the inspector as he goes through the mine.

In 90 percent of the cases, the mine-owner will welcome such a representative of the union and be glad to have him accompany the inspector. However, there might arise a case where the mineowner would say, "Look, I own this mine. The only reason I am letting you come in is because of the passage of this legislation. But I am not going to let one of my miners follow along with you and make a report on the safety requirements."

If that were to occur, my amendment would come into play. That is the only purpose of the amendment. It is so that there will be confidence in the inspection that the Secretary is going to institute.

Mr. WILLIAMS of New Jersey. Certainly I have gone over this matter with the distinguished Senator from Montana. I believe that the objective is clear and worthy.

I would suggest that no people know the mine that is under inspection as do the mine owner and the miners themselves. What the amendment would provide would be the opportunity for a representative of the miners, the men who work in that mine, to accompany the inspector as he goes through what, for him, could be a new mine or one that he has not seen in 3 or 4 months. The amendment would permit the miners to have a representative go with that inspector.

Mr. METCALF. Mr. President, it might well happen that that miner who has been working in that mine would help the inspector by calling attention to certain safety violations. He is familiar with the operation of the mine, and he would be able to represent his fellow union members or his fellow mine workers to reveal safety violations.

Mr. WILLIAMS of New Jersey. They would be conditions that existed. Whether they were violations or not would be the inspector's conclusions. However, conditions as the miners themselves know them to exist from day to day in the mines could be pointed out.

I know that the Senator from Montana and I and other members of our committee have spent some time in the mines. It is easy to just get lost in the tunnels that wind their way, 200, 300, 400, 500, or 600 feet underground.

The illumination is not what, in my judgment, it should be, although the pending bill, by the way, would provide for illumination. However, for a multitude of reasons the miners themselves should have someone, I believe, accompany the inspector, as the Senator's amendment would provide.

Mr. METCALF. I am glad that the Senator from New Jersey agrees with me.

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

Mr. METCALF. I yield.

Mr. COOPER. Mr. President, I join in the comments made by the Senator from New Jersey. I think the amendment offered by the Senator from Montana is a very fine and helpful one. Certainly no one would be more interested in safety conditions in a mine than the miners who work in the mine.

It is a very fine amendment.

Mr. METCALF. I thank the Senator.

Mr. WILLIAMS of New Jersey. Mr. President, there is a provision in the bill that there be no advance notice given to the mine of an upcoming inspection under the law. And the pending amendment is in no way contrary to that provision.

Mr. METCALF. The Senator is correct. The inspector would call at the mine. He would report to the mine office and say, "I am going through the mine." There would automatically be a shop steward or some representative of the union present. Most of these mines are under the jurisdiction of the United Mine Workers. And if a mine were not under the jurisdiction of the United Mine Workers, the inspector would say, "Pick out someone to go through the mine to be confident that this inspection is not a whitewash or is not just a superficial sort of inspection. This is going to be a genuine survey and tour of the mine."

Mr. WILLIAMS of New Jersey. Mr. President, the amendment would not in any way delay a mandatory inspection under the law.

Mr. METCALF. I am not trying to delay any inspection at all.

Mr. WILLIAMS of New Jersey. Mr. President, as the chairman of the subcommittee, I am sure the amendment would meet with the approval of the other members of the committee. I have discussed this amendment with Senator RANDOLPH, the ranking majority member of the committee, and he completely agrees that this is a useful and important provision. I am charged with the responsibility of presenting the bill to the Senate, and I am prepared to accept this most worthy and, I think, very important amendment offered by the Senator from Montana.

I believe that the Senator from Kentucky (Mr. COOPER), who comes from a State with a high concentration of coal mining, is of a similar view.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana (Mr. METCALF).

The amendment on page 86 of the bill was agreed to.

Mr. SCHWEIKER. Mr. President, I rise in support of S. 2917, the Federal Coal Mine Health and Safety Act of 1969.

My home State, Pennsylvania, was for many decades the leading coal mining State of the Union. Today it is second only to West Virginia in tonnage produced. Therefore, I speak not only as a Member of this body but also as a Senator representing Pennsylvania, in expressing my support for what this bill aims to do and the way in which it would accomplish it.

Coal mining has been called the deadliest major occupation in our Nation. Over the last 100 years that records have been kept, more than 120,000 fatalities have been recorded in coal mines. There are less than 150,000 active coal miners today, but in 1968 they accounted for 309 mine fatalities—about one fatality for every 500 miners. Pennsylvania, with some 25,000 active coal miners, had 33 coal mine fatalities in 1968, and as of July 31 this year, it had another 24 reported coal mine deaths. In this day and age neither Pennsylvania nor the Nation can afford to see this tragic and wasteful spectacle go on.

Beyond the stark numbers of coal miners who annually lose their lives, there are the less serious lost-time accidents, averaging three or four per miner in his lifetime. And finally there is the peril of pneumoconiosis, or black lung, which afflicts one out of 10 active miners and one out of five inactive ones.

Many things will be needed in order to reverse these serious health and accident trends in coal mining. We will need changes in mining technology, effective safety programs carried on by the industry and, in some cases, more safety consciousness among miners themselves. We will need better mine safety laws and enforcement by States. But in addition, it is essential that Congress act to strengthen the existing weak Federal coal mine safety legislation which has stood basically unchanged since 1952.

This new legislation, S. 2917, is strong legislation. It is legislation fully responsive to the safety crisis in the coal industry. It will stand as a forthright effort by Congress to insure the health and safety of the coal industry's most valuable resource, the miner.

Mr. President, I was a cosponsor of S. 1300, a coal mine health and safety bill offered by the administration and the bill which has provided the basis for much of what is contained in the bill before this Chamber, S. 2917. I have also been privileged to serve on the Subcommittee of Labor, which began its work on this bill with the first hearings February 27, 1969. I would like to review briefly some of what I regard as the key provisions of S. 2917 and urge that they be passed by this body without any delay or any weakening amendments.

The bill will impose on coal mines for the first time a standard of purity for the air that miners must work in and will breathe underground.

The bill will set mandatory interim safety standards for such problems as roof control, ventilation, combustible materials, electrical equipment, and open flames inside coal mines.

The bill will for the first time require the same safety performance standards for so-called "nongassy" mines as have been required in "gassy" mines.

The bill will give the Secretary of the Interior the power to insure new health and safety standards and the power to enforce these standards.

The bill will require regular Federal inspections of all coal mines at least four times a year, not counting spot inspections.

And finally the bill embodies a strengthening amendment which I proposed when the bill was before the full Labor and Public Welfare Committee July 30, and which was adopted unanimously. My amendment, designed to protect miners in coal mines with excessive quantities of explosive gas, provided that the Secretary of the Interior could station a Federal mine inspector daily at mines he considers most susceptible to explosions.

The Department of the Interior classifies about 400 coal mines in the Nation as "gassy." About 100 of these are found in Pennsylvania. And the danger of ex-

plosions at these gassy mines can be most acute.

It was a mine explosion that took 78 lives last November in the Farmington, W. Va., mine disaster. More recently, in an anthracite mine in Schuylkill County, Pa., on July 22, 1969, one miner was killed in an explosion caused by methane gas and six others were hospitalized with burns and concussions.

Clearly the miners who daily go to work in mines that have been proven to be excessively gassy need the added margin of security of a full-time Federal mine inspector.

Moreover, this provision will increase the participation of Federal mine inspectors in the effort to prevent mine explosions. It will impose on these inspectors some duties they would not otherwise have had. However, I feel that just as Congress in this bill is imposing more stringent safety requirements on mine operators and on individual miners, Congress should likewise place some additional duties on the executive branch agency charged with implementing these laws. The effort to make mines safer and more healthful should be a united effort by the Federal Government, the mine operators and the miner himself.

Mr. President, Congress has a long overdue obligation to enact strong Federal laws to insure the safety and health of coal miners. I earnestly hope that this body can meet its obligation by promptly passing S. 2917, the Federal Coal Mine Health and Safety Act of 1969.

Mr. PROUTY. Mr. President, I voted to report S. 2917 from our Committee on Labor and Public Welfare. I did so because our hearings revealed a need for establishing Federal health standards to protect the health of our Nation's coal miners, and also showed that many of the existing safety standards applicable to mine operators and miners under Federal law are inadequate.

In all fairness, I think it should be noted that the coal industry itself realized that present standards applicable to the health and safety of working coal miners should be substantially improved, and that the vast majority of stricter standards contained in this bill were adopted with the cooperation and support of the coal operators.

My State of Vermont does not have any coal mines, so I do not view myself as any kind of an expert on coal mine safety problems. We did have a similar health problem in that dust from our marble, granite, and slate industries often resulted in silicosis, a disease long diagnosed as tuberculosis and just as fatal as black lung. This problem, however, was remedied by appropriate State legislation during the 1940's.

Accordingly, I am not opposed to this bill in what it attempts to do. I am aware, however, of the pressures that have been brought to bear in drafting some of its provisions. Outside crusaders have come forward who, I venture, know little more about the operations of the coal industry than I do. Internal union conflicts, including a union election campaign, have forced both sides to try to outpromise each other as to what they desire in the way of legislation for their members, instead of taking a responsible and objective view of what can be done given the present state of our technology.

My main concern is over whether in some areas of this bill, we may have engaged in "overkill." Not being from a coal-producing State, I shall not propose amendments on many provisions which I think my colleagues from States which mine coal should consider carefully.

With regard to my statement about overkill, I bring to my colleagues' attention the following paragraph which was included in the individual views to the committee report filed by the junior Senator from Colorado and myself:

> We all desire a strong bill. But a strong bill must be workable to be effective. To be workable means more than merely the inclusion of tough standards. It requires the inclusion of the best administrative procedures we can devise to permit the most effective operation and implementation of this legislation. It means the establishment of realistic timetables for the adoption of mandatory standards dependent upon new technology. Above all, it is of vital importance that the legislation which we enact to strengthen the present law, with regard to the health and safety of our coal miners, not also include requirements that may well endanger the productive capacity of the coal industry or otherwise threaten the well-being of other segments of our economy.

I am informed that the bill in its present form may well bring on a shortage of coal which will have repercussions that our economy and people cannot afford. This possibility does concern me. It is no answer to say that if this does occur, Congress can enact emergency legislation to remedy this situation.

For example, electric utilities, especially, are heavily dependent on coal for their fuel supply. A decline in the production of coal can well lead to brownouts and blackouts in our major industries.

In this regard, the Director of the Bureau of Mines stated that natural gas could, to some extent, replace the coal needed to operate generators for the production of electricity.

He went on to say, however, that the capability of the natural gas industry to supply significant amounts of fuel to electric utilities for a prolonged period of time is severely limited, particularly along the eastern seaboard.

With this background, the following two factors warrant critical attention by the Congress in enacting this legislation. I note them for the record, leaving my colleagues from coal producing States the burden of forming judgments as to whether there is sufficient merit to either, to warrant amendments to this bill.

The first factor involves the establishment of mandatory dust standards. The bill reported by the committee establishes a standard of 3 milligrams of dust per cubic meter 6 months after enactment. Three years after enactment the standard is reduced to 2 milligrams of dust per cubic meter.

During the first 3 years permits of noncompliance may be granted which will enable mines to operate with dust levels of up to 4.5. During the next 3 years certificates of noncompliance may be granted to permit the dust levels not to exceed 3. Six years after enactment, the 2 standard becomes mandatory for all coal mines unless the Secretary of Interior has issued an order finding that technology does not permit a mandatory 2 standard which order has not been vetoed by either House of Congress.

The administration and Secretary Hickel favor a different approach. The Bureau of Mines states that all mines in the country can meet a 4.5 standard within a year and therefore take the position that the Secretary of Interior should be authorized to extend the time to meet the 4.5 standard on a mine-by-mine basis for an additional 6-month period, which would result in the 4.5 standard becoming mandatory 1 year after enactment.

Similarly, with respect to establishing the 3 and 2 mandatory standards the administration and the Department of Interior do not feel that present technology is far enough advanced to permit the establishment of dates certain for these standards in legislation. Their position has been that the Secretary of the Interior should be directed to lower the dust standards to these levels as soon as possible consistent with the development of new technology rather than writing specific dates into legislation as to when these standards must be met.

The second factor which Congress should consider is a requirement that small drift mine operators must use the type of heavy permissible electrical equipment which is required to be used in the large underground shaft mines. The desire to eliminate the distinction between gassy and nongassy mines is perhaps understandable. On the other hand, consideration should be given to finding certain types of less expensive equipment permissible for use in drift mines which admittedly would not be permissible in underground mines.

It is time we really started to consider what we are doing to small businessmen and to an economically depressed section of our country in the name of "health and safety," to determine whether health and safety considerations really necessitate applying the same standards for heavy permissible equipment to small drift mines which are to be applied to large underground mines.

These small drift mines produce around 150 million tons of coal a year, or about 25 percent of our annual coal production. Drift mines are very shallow. They are cut laterally into the sides of hills and most extend for only a few hundred yards.

By contrast, the remaining 75 percent of our annual coal production is done in large underground mines. These mines are shaft mines and extend for miles underground.

I am concerned about the people in Appalachia. I am concerned about their health and safety, but I do not believe that requiring them to use only the heavy expensive equipment required for underground mines will promote their health and safety.

This will promote the drift mine operators going out of business. It will promote more unemployment in Appalachia when the miners in these mines are jobless and when the railroads lay off additional workers because they are no longer needed on trains to haul the coal away.

It will create further economic hardship in a section of our country now trying to get back on its feet again.

I am concerned about putting these small drift mines which employ an average of about 10 men each out of business by requiring them to purchase machinery and equipment specially designed for use in deep shaft mines if health and safety factors do not, in fact, require such action.

In conclusion, I repeat that I am strongly in favor of increasing the protection to the health and safety of our coal miners. I support most of the provisions in this bill and will vote for it on final passage, regardless of whether amendments I deem desirable are or not adopted.

I caution my colleagues, however, that there may well come a day of reckoning when we will regret our action if we enact legislation containing provisions which are unworkable, unrealistic, or inequitable, and which, apart from any health or safety considerations, cause substantial disruptions of any segments of our economy.

ANNOUNCEMENT OF HEARINGS ON DISTRICT OF COLUMBIA PUBLIC WORKS FUNDS

Mr. PROXMIRE. Mr. President, as chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations, I am announcing today that we are having a hearing at 2:30 p.m. on Tuesday, September 30, to question the economic justification for timing of the expenditure of the large sums proposed for the District of Columbia subway, highway, and public works during this highly inflationary period.

The District is now asking that both fiscal year 1969 and 1970 subway funds be appropriated in the 1970 fiscal year. District of Columbia funds would trigger additional amounts of Federal transportation money which would bring the total to at least $120 million for fiscal year 1970. This is more than double the funds originally requested for the year in which initial construction was to begin.

This in turn means the eventual expenditure of at least $2.5 billion for the subway system. In the peak years, almost $400 million will be spent.

This is not all. Expenditures for a vast network of questionable bridges and freeways have been tied to the subway program. They include expenditures for the Three Sisters Bridge, the Potomac Freeway, the East Leg, and the North Central Freeway. Some $370 million are involved.

Not only is this a bad time to build, but also, many of these projects are highly questionable in themselves.

This is a period of excessive price increases. Except for unneeded military and space programs, nothing fuels the fires of inflation more than expenditures for public works. They bid up the price of raw materials and skilled labor. They have what the economists call a "multiplier effect," on the economy.

Yet, at the same time the President and the Budget Bureau have called for cutbacks in Federal public works projects all over the country, they have supported a doubling of the subway funds in fiscal year 1970, total subway expenditures of at least $2.5 billion, and a go ahead on at least $370 billion of highly dubious bridge and road projects. While cutting back elsewhere, we are asked to start building the biggest public works project in the history of the District of Columbia, at a time of most serious inflation.

The subcommittee will want to question the economic justification for such vast expenditures in this period of very low unemployment and rapidly accelerating price increases. How can the Budget Bureau justify cutting back projects all over the country while at the same time they accelerate expenditures of subway funds here and approve highly questionable bridge and highway expenditures as a part of the program? The subcommittee will want to examine those questions very closely.

I do not mean to imply that I am opposed to the subway. It is an excellent long-term investment. It is obviously needed. But timing of expenditures is crucial in fighting inflation. It may be necessary to go ahead with the subway forthwith. But before we do so, the subcommittee and Congress should satisfy themselves that the expenditures will not add to the serious inflationary problem in the Nation.

The President has urged every State and locality to cut back on highway and other public works projects. We will want to ask if the District of Columbia is doing its part.

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

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Kentucky.

Mr. COOPER. The Senator may recall that last year Congress considered the biennial authorization bill for the Federal-aid highway system. Something very unusual happened in the consideration of the Federal-Aid Highway Act of 1968. In the conference between the Senate Public Works Committee and the House Public Works Committee, a conference on which I served, we found that the House had written into its bill a section purporting to require the city of Washington to accept a road plan which, curiously enough, was developed in the House.

The senior Senator from Wisconsin knows that it is the general practice—under the Federal highway acts and by regulation of the Bureau of Roads, now located in the Department of Transportation—that local bodies, the States, and the District of Columbia in the situation of a State, have the responsibility to lay out the road systems which the local government considers suit its needs. Of course, the Bureau of Roads and the Department of Transportation pass upon the State plans to determine if they meet the requirements of title 23 of the United States Code, encompassing the Federal highway acts. But this was the first time I recall that anyone had ever heard of the Congress attempting to lay out a road system for a local governmental body.

The District of Columbia had not approved this road system. The House bill asserted an authority to direct the District of Columbia to construct the system laid out in their bill, which included, of course, the proposed Three Sisters Bridge and Potomac River Freeway.

My understanding is that the superhighway would be tunnelel under the Lincoln Memorial, the Mall and the Tidal Basin and then join the Southwest Expressway, which is already trafficbound. It was also proposed that there should be a leg running through the center of the city, through a section in which there is very poor housing, which would drive those people out of their houses, and cause them to seek homes, at a time very difficult to buy or build a home.

But the chief point is that the House of Representatives undertook to impose this system on the District of Columbia. We opposed section 23 in the conference and did our best to have it removed. The House was adamant. It would not remove one section, although it was somewhat modified in conference. Inasmuch as the bill embodied the highway funds for all the States, the conference report came to the Senate. I spoke in the Senate on July 29 about this matter. I spoke against it, and voted against the conference report. But under the rules, a conference report cannot be amended or changed in any particular and must be adopted or rejected as a whole. So the Senate had no opportunity to consider the section on its merits.

I hope the Senator's committee will study this question very carefully. The effort represented in section 23 of the Highway Act is wrong in principle; it is wrong practically.

I understand what the Senator has said today. What would the people of the Senator's State of Wisconsin think, what would the people of my State think, if Congress attempted or asserted the authority to lay out their road system for them? We are not engineers. We have no expertise in this field. I say it is wrong in principle and it is wrong in practice.

Mr. PROXMIRE. I thank the distinguished Senator from Kentucky.

I agree wholeheartedly about the gross unsoundness of Congress trying to legislate something that is as peculiarly local as a road system, and especially under the circumstances the Senator from Kentucky has just described.

I assure the Senator from Kentucky that our subcommittee will indeed inquire into that. The assumption has been made that once action was taken by the House, everyone could forget about the Senate, that we would just rubber stamp what they had. It seems to me that we do have a responsibility to consider this matter very carefully, and the subcommittee will certainly do so.

Mr. COOPER. I know it is a very difficult situation, because the District of Columbia needs a subway system very badly. But the House said, "We will not release funds for a subway system until you build this road system throughout the city of Washington."

The Senator's subcommittee should look into the questions raised by that bill.

Mr. PROXMIRE. May I say to the Senator from Kentucky that I have been deeply concerned for a long, long time about some of the proposals involved in this matter, and this should be an opportunity for the subcommittee to go into it in detail.

I invite the Senator from Kentucky, if he has the time, to come to that meeting, which will be held on Tuesday afternoon at 2:30, in the Capitol.

Mr. COOPER. Mr. President, I opposed section 23 in conference, and I opposed it on the floor of the Senate when the conference report came out. The Senator from Montana, the distinguished majority leader, supported me. His colleague, the junior Senator from Montana supported me, as well as the Senator from Idaho (Mr. JORDAN) who was a member of the conference committee, and others. The Senator from Idaho made a great fight against it in conference.

The Federal-Aid Highway Act of 1968 had within its scope the entire Federal-Aid highway system for the United States for 2 years. As I said, we had support from citizen's groups, the mayor and the District of Columbia Council, and from the Secretary of Transportation, among others. The newspapers in Washington gave us no support.

The principle is wrong, absolutely wrong. The practice is wrong to attempt to impose on a city a vast highway system which it does not ask for and objects to. That is the awful situation in which we find ourselves. I do not believe the Senate should acquiesce in it.

JUDGE HAYNSWORTH: TRIAL BY ORDEAL

Mr. HRUSKA. Mr. President, the Committee on the Judiciary this morning concluded its ninth day of hearings considering the nomination of Judge Clement F. Haynsworth to be Associate Justice of the U.S. Supreme Court. Thirty-four people were scheduled to be heard. The hearings were finished today, except for calling Judge Haynsworth as a final witness. This is scheduled for early next week.

These hearings have been extremely useful. They have provided the committee and the public with the information concerning Judge Haynsworth as an individual and as a jurist. They have provided to the committee the knowledge necessary to make its decision.

Unfortunately, however, these hearings have been much more. They represent a frantic effort to discredit the integrity of an honorable man and a fine jurist.

The integrity of Judge Haynsworth is a question properly to be investigated by the committee. If all of the testimony were truly concerned with this, I would not object. But the true attack is not being made on the issue of whether or when Judge Haynsworth bought stock, and his supporters and his detractors know it. The issue being fought over is this: What will be the political and philosophical viewpoint of those appointed to the Supreme Court?

There is no foundation for the charge that Judge Haynsworth should have disqualified himself from the Darlington case. That allegation died in the second day of hearings from a lack of facts, a lack of improper conduct, and a lack of realism. Judge Walsh, former Deputy Attorney General of the United States, former Federal judge, and chairman of the American Bar Association Committee on the Federal Judiciary, testified that there was nothing improper or unethical about Judge Haynsworth's participating in the Darlington case.

There is no foundation for the charge that Judge Haynsworth violated the standards of ethics in the Brunswick case. The case was decided before the stock was purchased. Judge Winter, circuit judge and author of the Brunswick opinion, testified that Judge Haynsworth was not in violation of the canons or the statute because he did not disqualify himself.

There is no requirement of trial by ordeal to qualify a man for service on the U.S. Supreme Court.

The danger to the United States from such trial should be apparent. In commenting on a similar situation in the early 1930's, Mr. George H. Haynes, author of "The Senate of the United States," stated on page 760:

> But the chief significance of the recent contests in the filling of vacancies upon the Supreme Bench lies not in the struggle between conservatism and liberalism, but in the group pressure which under the Senate's new procedure is likely to determine the fate of nominations. The nominee's entire record gets little chance for fair appraisal. It may prove a more difficult task in the future for the President to find strong men and able jurists, of the caliber of those who have built up the Supreme Court's prestige, who will allow their names to be placed in nomination, if they must first be subjected to an inquisition in committee hearings as to their past records, pertinent or not pertinent to Supreme Court service, as to their personal investments, and as to the opinions which they hold upon complicated and controverted economic and social questions likely to be involved in litigation before the Court, and then must have their nominations made the subject of bitter debate on the floor of the Senate, where racial, sectional, and political considerations may bulk so big that questions of the nominee's character and fitness are half forgotten.

The Judiciary Committee is agreed and was agreed at the beginning of these hearings that a man's philosophy is not at issue here. That is determined by the President who nominates him. As it was put by a member of the Democratic Party who testified in support of the nominee:

> Obviously given my point of view and experience I would without doubt have preferred a different administration to be appointing a more liberal Justice. But my side lost an election, and the fact of the matter is that as a member of the bar we are called upon by Canon 8 to rise to the defense of judges unjustly criticized, and it is my abiding conviction, sir, that the criticism directed to the disqualification or nondisqualification of Judge Haynsworth (in the *Darlington* case) is a truly unjust criticism which cannot be fairly made.

Mr. President, I will support the nomination of Judge Haynsworth to the Supreme Court. I am confident that I will be joined by a majority of members of the Committee on the Judiciary, and when it comes to the floor, by a majority of the Senate.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

(At this point, Mr. BELLMON assumed the chair.)

Mr. BYRD of West Virginia. Mr. President, yesterday I queried the distinguished Senator from New Jersey with respect to the possibility of having language included in the bill which would provide for a program under which disability benefits would be paid to miners suffering from black lung and other pulmonary diseases who do not qualify under State law. At that time, the able Senator indicated it might be possible to work out a short-term interim program to provide disability payments to men disabled by the disease.

The able Senator said he would try to find some way to devise a temporary program leading ultimately toward a long-range program, thus giving the committee time in which to study the problem in depth.

I think it is fair to say for the RECORD that the able Senator and I have been conferring this morning and that we both have had discussions with the Representative from Kentucky in the other body, Mr. PERKINS, and that there seems to be favorable sentiment on that side of the Capitol for such an approach.

I just want to urge the manager of the bill at this time to devote every effort possible over the weekend to work out some program whereby these old and disabled miners, who have contracted this disease, perhaps 5, 10, or 15 years ago, and who have been in forced retirement for all these years but who have not qualified under State statutes for disability payments, can be given assistance through some Federal-State program.

I personally would urge that the cost of such a program be borne initially by the Federal Government. I hesitate to think that we would have to load an additional expense on the management of the mines at this time when overhead costs are already very high and at a time when it is difficult for the product to remain competitive in the marketplace.

I want to express the hope that we might devise some way for the Federal Government, along with the States, over a period of years, to shoulder the burden of the cost so that the mine management would not have to carry this additional burden.

But I strongly believe that out of fairness to the miners, and to the wives and widows of miners who have lost their lives through the contracting of pulmonary diseases from the inhalation of silica and coal dust, we in Congress have a responsibility to work out some program whereby disabled miners would be given help when they are not eligible under State workmen's compensation programs. Many of them cannot qualify under State statutes which are not retro-

active, and yet they do need assistance. I would like to see them get assistance so they would not have to be on welfare programs, so that they could have some steady income, and so that they might be able to provide for themselves and their families.

Mr. President, I wish to express appreciation to the manager of the bill for his sympathetic understanding of this problem and his strong assurance of cooperation in making the effort to work out some feasible program.

Mr. WILLIAMS of New Jersey. Mr. President, let me say that following the floor discussions, prompted by the Senator from West Virginia's (Mr. BYRD) expression of concern in this area, considerable progress has been made, even to this point, in working toward exactly the objective described by the Senator. It is an objective which I can certainly understand will be agreed to, and we are working toward that end in a program the Senator suggests, which could be interim in nature until perhaps the Department of Health, Education, and Welfare could, after study, suggest an ongoing compensation program for miners disabled as a result of their occupation, particularly respiratory diseases which they have contracted, for only one reason; namely, the inhalation of dust in the mines.

Thus, at this point, we are on our way to suggesting to the Senate exactly what the Senator from West Virginia hopes we will, and I hope it will be acceptable to all concerned.

Mr. BYRD of West Virginia. Mr. President, I recognize the fact that there must be fairly accurate cost estimates worked out, and I realize that the Senator's committee wants to go into this phase of the problem before it launches into any long-range program. I am greatly reassured by the Senator from New Jersey, and I know that I express the sentiments of my colleague (Mr. RANDOLPH) in what I have said today. My colleague and I have discussed the matter at length upon several occasions.

THE NIXON SOCIAL SECURITY PROGRAM; OFF TARGET, AND NOT ENOUGH

Mr. WILLIAMS of New Jersey. Mr. President, President Nixon sent his social security message to the Congress yesterday, and it is a heartbreaking disappointment.

For one thing, the 10-percent increase he proposes would be wiped out by rising living costs months before the first check would be mailed.

For another, the President has refused to grappel with the fundamental issue, which is simply that social security benefits are generally inadequate. Attaching a 10-percent increase will be of little help to most recipients, especially those who now receive the minimum of $55 a month.

President Nixon says he will seek an automatic cost-of-living increase to keep social security recipients' heads above water.

But what he really is proposing is this:

First. That the 10-percent increase take place in April. And yet, even by the most conservative projections, the cost-of-living index would rise to the 10-percent level—from the time of the last social security increase—by December or so.

Second. Since the President proposes no increase in minimum benefits, those now at $55 a month would receive only $60.50 a month. Their case would continue to remain so low that any automatic cost-of-living increase would be pathetically low and meaningless.

Third. In other words, the President is simply asking that we perpetuate today's inadequacies, but on a slightly higher plateau.

What are the facts about social security coverage today? As one who has long supported the old age, survivors, and insurance program, I have supported congressional efforts for broadened coverage. But I would be blind indeed if I did not recognize its limitations.

The Senate Special Committee on Aging recently asked a task force to evaluate social security coverage and other topics related to its subject: "The Economics of Aging: Toward a Full Share in Abundance."

About social security coverage, the task force had this to say:

1. At the end of 1968, Social Security benefits averaged $98.90 a month for the retired aged worker, $51.20 for the spouse, and $86.50 for the aged widow.

2. A 1963 survey of the Social Security Administration found that a large number of beneficiaries had little cash income besides their benefit. In 1962, about one-third of the non-married beneficiaries received less than $150 in money income other than benefits during the entire year. One-fifth of the couples had less than $300 in addition to their benefits.

And there had been little improvement in this respect since 1957, when the income of beneficiaries had last been studied.

Clearly, a 10-percent increase will mean little for the average social security beneficiary.

Clearly, we need far more thoroughgoing reform than proposed by the President.

One such plan for reform has been fashioned by Representative JACOB H. GILBERT in consultation with the National Council of Senior Citizens and with the technical assistance of the economics staff of the AFL–CIO.

The Gilbert plan is worthy of careful study because of dedication of its supporters and also because it offers a plan for genuine reform.

Its major features include an increase of 10 percent, effective in January as the first step toward an overall 50-percent increase in benefits; with an increase in minimum benefits from $55 to $80.

In January 1972, a 12-percent across-the-board increase with a $90 minimum benefit.

In January 1974, a 14-percent across-the-board increase with a $103 minimum benefit.

Mr. President, I ask unanimous consent to have printed in the RECORD a news release by Representative GILBERT describing major features of his bill, together with a statement made at the same time by Nelson Cruikshank, president of the National Council of Senior Citizens.

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

CONGRESSMAN GILBERT PROPOSES INCREASED SOCIAL SECURITY BENEFITS TO ELDERLY AND DISABLED

Rep. Jacob H. Gilbert (D.-N.Y.), today introduced a comprehensive Social Security and Medical Care proposal which would increase total social security benefits by at least 50%. Improvements include a 40% general increase in benefits and a $103 monthly minimum accomplished in three steps spread over the next four years and thereafter would provide automatic increases tied to the cost of living.

"The need to substantially raise the general level of social security payments becomes very clear to anyone who looks at the level of payments and considers the fact that most social security beneficiaries have very little in the way of continuing income other than what they get under social security," Gilbert said as he introduced the legislation.

Social Security experts and observers agreed that Gilbert's bill is one of the most comprehensive ever submitted to the Congress. It calls for some 15 major changes in the current law. In addition to increasing benefits and tying them to the cost of living, it would finance the medical insurance part of Medicare through contributions paid during the beneficiary's working years, in the same way hospital insurance and cash benefits are now financed.

"The bill I am introducing today would go a long way toward maximizing the potential benefits of Social Security for the benefit of more people and for the benefit of the nation as a whole," Gilbert said.

The bill contains these improvements:

Retirement benefit increases ranging from a minimum of $103 to a maximum of $378.50 for workers who draw benefits at age 65 or later.

Basing a worker's benefits on his highest ten years' earnings out of any 15 consecutive years after 1950.

At age 65, one hundred percent widow's benefit.

Higher benefits for early retirees (those who retire before age 65).

For beneficiaries who continue working, increases the amount of income a person can earn and still get full social security benefits.

Increasing the lump-sum death payment to $500.

Reduce the disability benefit waiting period from 6 months to 3 months and liberalize the definition of disability.

Eliminate the age-50 limitation for disabled widows and increase this payment to equal regular widow benefits.

Extend health insurance coverage to the disabled.

Extend medical care coverage to include prescription drugs.

Gilbert said the costs of his bill would be met out of a $15,000 contribution and benefit base; a one-tenth of one percent increase in the presently scheduled employee and employer contribution rates; and a gradually increasing government contribution eventually equal to approximately one-third the total cost of the program.

REMARKS BY NELSON H. CRUIKSHANK, PRESIDENT, NATIONAL COUNCIL OF SENIOR CITIZENS

Congressman Gilbert: I'm here today as President of the National Council of Senior Citizens and for two specific purposes.

The first is to thank you on behalf of our more than two million members of affiliated clubs of elderly people from coast to coast for your concern with the plight of the older American, and for your having introduced this bill with its ten-point program designed to meet their needs.

There has been an increasing awareness, in recent years especially, that the older citizen has not shared the expanding affluence of the American economy, and that his standard of living has not kept pace with that enjoyed by the great majority of his fellow citizens.

The findings of the Senate Special Committee on Aging, chaired by Senator Williams of New Jersey, have documented what we know to be the case from letters and reports that come to us from our members and clubs in every section of the country:

Three out of every 10 older people are living in poverty. Most of them were able to support themselves in decency and reasonable comfort—until they became old.

About half the families whose head is over 65 have less than $4,000 annual income—a fifth of them have les than $2,000.

Older people living alone are the worst off. More than half have incomes below $1500 a year and one fourth are below $1000!

While improvements in Social Security and Railroad Retirement benefits have been substantial, they have not kept pace with the rising cost of living, and have failed even more seriously to provide a full share in America's rising living standards.

Private pensions and other income sources have not filled in the gaps nearly to the extent that many expected. Social Security benefits are the major source of income for most older persons.

It is obvious, therefore, that if the economic plight of the elderly is to be improved, it must be by strengthening the Social Security system. It can't be done with little bits of tinkering here and there. The changes must be bold, imaginative and even daring—worthy of an America that is accustomed to thinking big. That is why we like your bill, Congressman.

We are confident, also, that along with the adoption of this measure, similar improvements will be made in the Railroad Retirement system.

In the health field, too, your bill meets the basic deficiencies of our present health insurance program. Medicare was a big step forward four years ago, but it could hardly be expected that this country's first venture into a national health insurance program would meet all the needs. Here, too, your bill aims high, as it must, for the health needs of the aged are critical.

My second purpose is to pledge you the full support of our organization and all its more than twenty-five hundred affiliated clubs across the country. I know I can do this as your bill is generally along the lines of the resolution on Social Security unanimously adopted by our national convention just last June. We're not only going to do all we can ourselves, Congressman, but we're going to muster support from every ally we can enlist, and we believe they are many. Our many friends in labor, in the religious groups of every faith, in the welfare field, and elsewhere, we know, will rally to the support of this measure.

We are elderly citizens, Congressman Gilbert, so it goes without saying we've been around a long time. This isn't our first battle. We know the long, hard up-hill fight that lies ahead. We know the many hurdles that lie along the road between the introduction of a bill like yours and the day it reaches the President's desk. But you and we and our friends and allies are in this for the duration.

Mr. WILLIAMS of New Jersey. Mr. President, I am, of course, giving careful consideration to the Gilbert bill, and I will soon introduce legislation similar in many respects. I would like to point out, too, that on May 27 I introduced bills which have provisions similar to several that found their way into the President's message of yesterday. For example, I asked for liberalization of the so-called retirement test on earnings of social security beneficiaries; and I asked for an increase in the amount of social security benefits payable to widows, from 82½ percent of the primary benefit of the deceased spouse to 100 percent. Another of my bills would require the Secretary of Health, Education, and Welfare to analyze various means of adjusting social security benefits so as to provide a built-in escalator in times of need.

As I asked at that time:

How is the escalator to be geared? Should it be based simply on fluctuations in the consumer price index? On increases in the costs of goods and services most needed, in particular, by Older Americans? On rises in the standard-of-living for the populace as a whole? On increases in wage levels? Or on a formula related to increased productivity of the work force?

There are no easy answers to such questions, and we should not plunge headlong into any cost-of-living escalator plan until we know its effects, exactly.

As chairman of the Senate Special Committee on Aging, I have been deeply disturbed by much of the testimony taken during our hearings on the "Economics of Aging." We have firsthand commentary from the elderly themselves, from students of social insurance systems, from economists, and others which says—very plainly, for all to hear— that a retirement income crisis exists in this Nation, and it is getting worse, not better.

In the weeks ahead—before final decisions are made on social security revision—I intend to present to the Congress examples of the problems encountered by Americans who are old and poor or on the fringes of poverty. I also intend to get additional statements directly from the people of my home State to present on these pages.

We need thoroughgoing reform of the social security system; yes. But we must be sure that it is reform, and not just another empty promise.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NO JUSTIFICATION FOR RELAXING MEAT IMPORT LIMITATIONS

Mr. HRUSKA. Mr. President, I should like to bring to the attention of the Senate a serious danger that threatens the beef cattle industry, and, in fact, the entire livestock industry.

At the outset, may I say that the junior Senator from Kansas (Mr. DOLE) had to be absent this afternoon on official business, but he did want me to say to the Senate that he has gone over the information which I shall speak about and that he wants to associate himself both with the substance and also with the conclusions which will be drawn by the Senator from Nebraska.

Today, livestock is the largest part of agriculture, and receipts from the sale of livestock and products last year amounted to more than $25 billion. Beef cattle production is the largest single segment of livestock operations today, and in many respects is the bellwether of the entire livestock industry.

The danger we face today is a new flood of imports of foreign meat, which may have a catastrophic impact on our domestic livestock markets. Mr. President, in my comments today, I expect to develop the following points:

First. The meat import quota law of 1964 was passed on the basis of the unhappy experience of the effect of permitting a deluge of foreign meat to inundate our markets. The law does not prohibit imports, far from it. Last year beef and veal imports—including live cattle—were equivalent to about 8 percent of total U.S. production.

Second. To avoid having the mandatory import quotas on meat provided by that law from being invoked, foreign supplying countries have accepted voluntary limitations on the amount of meat they will permit to be shipped to this country during 1969.

Third. Our Government is now experiencing heavy pressure to permit those foreign countries to exceed their commitments and ship greater quantities of meat to this market, without having the legal quotas provided by law imposed upon such shipments. That could be accomplished only if the Government would agree to suspend the quota provisions of the law. When I say "Government" in this connection, I mean the U.S. Government.

Fourth. In support of suspending the quotas, it is argued that cattle and meat prices have been too high this year.

Fifth. Mr. President, although cattle prices rose briefly earlier this year, the fact is that for the last few months, cattle prices have gone down as abruptly as they previously went up. Today, they are almost as low as they were during the early months of 1969. They are very little higher than they were 10 years ago, or 20 years ago. And this is in terms of absolute dollars. This is not in terms of adjusted or constant dollars; and all of us know that, by rule of thumb, we can estimate that the purchasing power of the dollar today, as opposed to 20 years ago, is about half.

Sixth. As to retail beef prices, they were slower to rise than wholesale prices, and may be slower to go down, but during August they started down. In any case, the level of retail prices cannot be blamed on the cattleman, nor can it be affected by imports.

Seventh. The law provides that import quotas can be suspended only under extraordinary emergency conditions—conditions which certainly and demonstrably do not exist today.

Mr. President, during July of this year, imports of fresh, chilled, and frozen beef, veal and mutton amounted to 107 million pounds, an increase of 24 percent compared with July of last year. For the first 7 months of 1969, imports were 592 million pounds, 9 percent above last year.

This growth in volume of imports gives an indication of the pressure being put

on U.S. machinery for regulating our international trade in meat. For some of us, it awakens uneasy memories of the record volume of meat imports that led to enactment of the existing law for import control.

As recently as 1957, imports of beef and veal had amounted to only 395 million pounds calculated on a carcass equivalent basis. By 1963, that figure had grown to 1,678 million pounds.

This tremendous volume of foreign meat broke our livestock markets in this country and inflicted severe losses on thousands of domestic producers and feeders. It was this situation in 1963 that resulted in the enactment of the meat import quota law in 1964, designed to prevent foreign meat from taking over a steadily increasing share of the U.S. market, and to a degree that would be heavily and adversely disruptive to the cattle and livestock market here in America.

The act, which was signed into law that year in August, does not actually impose quotas, but does provide the machinery whereby quotas are to be imposed by the President if it is estimated by the Secretary of Agriculture that imports will exceed the quota figure for any given year by 10 percent. Since 1964, imports of the products covered by the law did not threaten to exceed the quota figure until the last quarter of 1968.

Sensing the possibility that exporting nations would overship the quota in the fourth quarter of last year, and obviously being reluctant to exercise the quota imposition provisions of the law, the Johnson administration entered into voluntary agreements with the major supplying nations that they would collectively hold their shipments to an annual volume of 1,035 million pounds, a figure approximately 5 percent over the 1968 quota of 988 million pounds, but under the level at which the quotas would have to be imposed.

The voluntary limitations on shipments to the United States at the level of 1,035 million pounds have remained in effect in 1969, since the quota for this year is about the same as that which had been determined for 1968. Throughout the first 7 months of 1969, supplying countries have held reasonably close to their agreements, even though imports in these 7 months amounted to 591.8 million pounds, 8.9 percent above shipments in the same period a year ago.

It has now been called to our attention vividly by various sources, including the American news media, that several of the foreign nations and some U.S. importers have imposed tremendous pressure on our Government to allow them to increase shipments to the United States for the remainder of 1969, increases which would probably exceed the trigger level for quotas which would be in excess of the amount of 1,087 million pounds. Not the least of this pressure is reportedly being put on by Australia, which country, expecting to fill its allowable volume before the end of the year, will have to cut back its shipments later in 1969, unless our Government could be prevailed upon to take steps whereby the quotas could be suspended.

The arguments being used by those calling for increased imports insist that beef prices in the United States have risen to such an extent that it would be in the national interest to suspend the quotas and allow additional imports, which would be beef, principally. In making these contentions, those proponents of suspended quotas point to the period in May and June of this year when prices of fed cattle and wholesale beef did rise temporarily from an unusually stable level throughout 1968 and early 1969. However, they fail to take into account, or purposely overlook, the fact that this period of higher returns to cattle feeders was of short duration. In fact, as of now, live animal prices and wholesale dressed beef prices have declined to figures almost as low as those which prevailed in the early months of 1969.

For the remainder of this year, they are not likely to change much from present prices and values.

Thus, I emphasize that any relaxation of the restrictions on imports which have been imposed under the quota law would amount to a gross injustice to the ranchers and feeders of the United States. Furthermore, I submit the quotas could not be justifiably suspended in the national interest on the argument that prices to growers and feeders were unreasonably high.

To substantiate these contentions, allow me to quote various price levels and figures on fed beef cattle, wholesale beef and net farm values. In 1958, the average price of choice beef steers sold for slaughter on the Chicago market averaged $27.42 per hundredweight. The highest month in the year was March, when the average was $29.90 per hundredweight. The lowest month was August, when the average was $26.11 per hundredweight.

In 1968, the average price of choice steers, Chicago, was $27.74 per hundredweight. Note that this figure is almost the same as the average in 1958. Have any other prices or cost followed this stable trend in this 10-year period? The highest month in 1968 was December, when the average price was $28.88 per hundredweight. The lowest month last year was January, when the average price was $26.87 per hundredweight.

A more detailed picture of prices in 1968 is important to this discussion. The January average was $29.23 per hundredweight. A price rise was showing up noticeably in April, when the average reached $30.98 per hundredweight. The upward trend continued until June when the average choice steer price in Chicago reached $34.22 per hundredweight.

Thereupon, a decline set in that was equally as dramatic as the price increase. By July, the average price was back to $31.49 per hundredweight. The August figure was again lower at $30.94 per hundredweight. In the week ending September 4, the price was reduced another dollar to $29.84; in the week ending September 11, it was $29.80, and in the third week of September, the price had declined still more to $29.66 per hundredweight.

Note that just last week, choice steer prices at Chicago were practically equal to the averages in January and February of this year. Wholesale carcass prices followed a similar trend. Since the highest point in June this year, choice steer prices have dropped nearly $5 per hundredweight. Early in June, the bulk of choice steer carcasses, carlot basis, Chicago, sold at $55 per hundredweight. At the end of last week, the same steer carcasses were selling at $45.50 per hundredweight, a drop of $9.50 from the June figures.

Proponents of relaxed quotas may point to retail prices of beef and argue that they became inflated and have not been reduced. This I submit as only partially correct. In the first quarter of 1969, the average retail price per pound of choice beef in the United States, according to the Department of Agriculture was 90 cents. In the second quarter—April to June—the average was 95.8 cents per pound. In the month of June alone, the average was 100 cents per pound and the figure did go up to 101.7 cents in July. The August average just recently computed reflected a decline to 100.1 cents per pound. With the trend in live and wholesale prices, it is reasonable to expect that the September figure will also be lower.

The explanation here is the usual circumstance where retail prices do not often react immediately to increases in wholesale values. At the same time, they usually do not immediately reflect downward trends in live and wholesale values. Be that as it may, the farm retail spread in choice beef prices was 34.7 cents in the first quarter of 1969. By June, this spread had declined to 32.3 cents per pound. The July figure was an increase to 34.3 cents and by August the spread was 38.4 cents per pound.

My point in making these observations is merely that the ranchers and feeders of the United States have seen their prices return to figures very closely comparable to those they received in the early part of 1969. They can in no way be held accountable for any argument that consumer costs of beef have not yet declined to levels of 8 or 9 months ago.

With this record of price information and statistics, let me now return to the provisions of the 1964 meat import law. It is almost unthinkable that foreign nations and importers would attempt to influence our Government to suspend quotes on imports under the price circumstances I have just reviewed.

The law clearly states that the President may suspend any proclamation to impose quotas, or increase the total quantity allowable, if he determines and proclaims:

> Such action is required by overriding economic or national security interests of the United States, *giving special weight to the importance to the nation of the economic well-being of the domestic livestock industry.* (Italic added.)

The law also allows for suspension of the quotas or increases in the allowable volume if the President determines that "the supply of articles of the kind described in subsection (a) will be inadequate to meet domestic demand at reasonable prices."

Surely, it cannot be substantiated

that, with the numbers of cattle we have on feed in the United States and the magnitude of our beef factory, the supply of beef will be inadequate to meet domestic demand at reasonable prices. While retail prices have not declined from the June–July levels as much as live prices, the trend is downward.

Furthermore, there cannot be a valid argument that the suspension of quotas is required by overriding economic interests, particularly if special weight is given to the importance to the Nation of the economic well-being of the domestic livestock industry. The industry's economic well-being is not any better than it was the first of the year, and may even be less desirable having experienced a sudden rise and rapid decline in the price structure.

My remarks today are directed to serving notice of the severity of the problem that would face our domestic industry if our Government should succumb to the approaches of foreign suppliers and importers of beef products. Moreover, these remarks are for the purpose of focusing on the irrationality of contending that the United States can easily absorb an increased volume of beef imports without placing our domestic livestock industry in financial jeopardy. In giving foreign nations the privilege of shipping to us in 1969 a volume of products covered by approximately 47 million pounds in excess of our quota figure, I believe the United States has been most generous.

There can be no justification for relaxing the limitation arrangements.

Mr. President, in making this statement I am entirely cognizant of the interest of the American consumer—the housewife, who does the buying—in the price of meat in the retail store. However, it is also my belief that the housewife does not expect the farmer to sell what he produces at less than cost, or to accept a poverty scale of living so that she may buy cheap meat. Farm prices for a farmer—especially from the ranch and from the feedlot in the case of cattle sales—are like the scale of wages for a workingman. The farmer must live and support his family on what he is paid for his crops and livestock. During the past 20 years, wages have more than doubled. According to Government figures, the average of factory workers in 1949 was $1.38 an hour. In August of this year it was $3.18 an hour. Surely, the factory worker will not expect the farmer's price to go down, while his own wage rate goes up regularly every year.

As I said earlier, the prices that the farmer receives on the ranch and from the feedlot are substantially the same—in fact, in some cases lower—as they were in 1950, 1951, 1952, and a whole series of years from 1950 to 1969.

There can be no justification for relaxing the limitation arrangements which have been given to those supplying nations. They should be held within the fair shares that have been allotted to them, and which in most cases they have agreed to abide by. If then they should violate their commitments, the quotas should be imposed at the levels provided by the law, and the volume of imports held down to those levels for the remainder of this year.

Mr. President, in the course of my remarks several references were made on which documentation in the RECORD may be helpful and informative. I therefore request unanimous consent to have the following material printed in the RECORD at the conclusion of my remarks.

First, a memorandum from the Department of Agriculture regarding the commitments of various foreign countries in their shipments of meat under the quota program, with a list of the quantities of meat which might be shipped by each.

Second, a table showing the average price of choice steers at Chicago from 1949 to date, by months. From this table it is clear that during the last 2 month, the price of cattle has fallen as fast as it previously rose. It is also clear that the present price, which is less than $30 per hundred, is not as high as it has been on many other occasions during the past 20 years. This is in contrast to the prices of most other products, which seem to set new high records every year in many instances.

Third, a table taken from the Marketing and Transportation Situation published by the Department of Agriculture permitting a comparison between the course of cattle prices and wholesale and retail beef prices. From the table it is clear that live animal prices and wholesale meat prices advanced quite sharply during the first half of this year. In both cases the peak was reached in June and there has been a sharp decline since then. It also shows that retail prices advanced somewhat more slowly but reached a peak in July, and then receded slightly in August.

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, last year there was an election of the Chief Executive Officer of this country, normally and popularly known as the presidential election. Those of us from the Middle West wanted to know what the standing of the respective candidates for the Presidency was upon this issue. So request was made for the position of both major candidates. I ask unanimous consent to have printed at this point in the RECORD a statement by President Nixon which was made during the month of October—I believe it was on October 8. It was printed in the RECORD for Monday, October 14, 1968.

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

PRESIDENT NIXON'S STATEMENT OF OCTOBER, 1968

FAIR PLAY FOR THE CATTLE INDUSTRY

The cattle industry, our largest farm industry in terms of dollar sales, has consistently met the rapidly growing demand of the American consumer for high qualify beef. It has done so independently, without any special government support program.

In the past 20 years per capita consumption of beef in our country has risen from under 70 to more than 104 pounds per person. In the same period, the average portion of family income expended on food has actually declined by more than 7 percent.

The cattle industry, however, has not kept pace with an increasing national prospertiy because of a severe cost-price squeeze, and adverse governmental policies. The result has been that many small family cattle operations, which represent the bedrock of the industry, have been forced out of business. Those that have survived have been saddled with crippling debts,.

In 1948 choice-fed steers in Chicago sold for an average price of $30.96 per 100 pounds; during the first 8 months of this year the selling price averaged $27.40 and it has fluctuated below that figure during most of the past 20 years. During 1964 following record imports, prices fell to a low of $20.52.

The official government index of prices paid by cattlemen, on the other hand, has increased 30 percent since 1948.

One cause of this severe cost-price squeeze has been the impact of imported meat. Because of the meat export subsidy practices of competing meat nations and the tariff restrictions of other nations, the American market has at times been flooded with cheap foreign beef.

In 1962 and 1963 meat imports precipitated a collapse in American cattle prices of as much as 30 percent in the course of a few months.

During the following year Republicans in Congress proposed legislation to fairly equate the flow of imports with the growth of the American market. The Administration stubbornly opposed it and the Senate defeated the first bill 46–44, with then Senator Humphrey and Senator Muskie both voting against the legislation. The Congress later in 1964 enacted Public Law 88–482.

Because of Administration pressure, the meat import legislation ultimately enacted was riddled with loopholes.

As a result, and in spite of the law, the volume of imports this year threatens to be greater than in any past year, except the record year of 1963. Yet Secretary Freeman has consistently failed to invoke even those provisions of the law which could be effective.

Loopholes in the present law must be closed so that domestic cattle producers can participate on a fair basis in the growth of the domestic market. Unfortunately, during the past Congess the Administration, of which Mr. Humphrey is a part, continued to oppose legislation in this field, notwithstanding the pious-pronouncements of the Vice President's colleague, Secretary Freeman, regarding the need for protection against subsidized foreign imports.

The Nixon administration will not turn its back on the needs of the cattlemen. The Nixon administration will be dedicated to seeing to it that cattlemen enjoy their full fair share of our increasing national prosperity and thtat Federal policies encourage the health and growth of this vital industry.

Mr. HRUSKA. Mr. President, I just want to call attention to the last paragraph of that statement:

The Nixon administration will not turn its back on the needs of the cattlemen. The Nixon administration will be dedicated to seeing to it that cattlemen enjoy their full fair share of our increasing national prosperity and that federal policies encourage the health and growth of this vital industry.

The industry and the public at large will have their justification for expecting that this statement of position will be most carefully abided by and complied with, and I have confidence that it will be; because, with all the other facets and with all the other features of the American economy going up in terms of dollars, we witness the very sorry spectacle of cattle prices being no more today, in terms of absolute dollars, than they were 20 years ago.

Needless to say, with the inflation that

has crept into the dollar, with the reduced purchasing power of the dollar, it is worth about one-half as much as it was then.

EXHIBIT 1

1969 MEAT VOLUNTARY ARRANGEMENTS

There are 13 countries eligible to ship meat (fresh, chilled, or frozen beef, veal, mutton, and goat meat) that are subject to the Meat Import Law. The governments of each of these countries, with the exception of Canada (which lacks the administrative machinery to control exports) and the United Kingdom (from which shipments of beef from Northern Ireland are small), gave commitments to the State Department to limit their shipments to the United States so that the level of U.S. imports from them during 1969 would not exceed specified quantities. A summary of the commitments is set forth in the following table:

Calendar 1969 commitment level, million pounds

Country of origin:	
Australia	505.0
New Zealand	211.0
Mexico	65.8
Canada	[1] 62.7
Ireland	62.7
Nicaragua	37.6
Costa Rica	33.4
Guatemala	21.4
Honduras	14.1
Dominican Republic	10.5
Panama	5.2
United Kingdom	[1] 3.1
Haiti	2.1
Total	1,034.6

[1] Estimates, not firm country commitments.

NOTE.—Performance of each of the countries under this program of voluntary restraints is monitored based on weekly information supplied by the responsible agency administering controls of exports from each country involved, and checked with import data obtained from the United States Department of Agriculture Meat Inspection Service and, of course, the Bureau of Census.

BEEF STEERS, CHOICE, SOLD OUT OF FIRST HANDS FOR SLAUGHTER: WEIGHTED AVERAGE PRICE PER 100 POUNDS, AT CHICAGO, 1922

Year	January	February	March	April	May	June	July	August	September	October	November	December	Weighted average
1949	$24.72	$22.99	$24.19	$24.37	$24.92	$26.37	$25.96	$26.50	$28.22	$29.63	$29.35	$29.91	$26.07
1950	28.14	27.19	27.33	27.66	29.19	29.99	30.62	29.97	30.32	30.42	31.24	32.98	29.68
1951	34.77	35.98	36.67	36.93	36.52	35.68	35.47	35.85	36.68	36.31	36.09	34.78	35.96
1952	34.68	34.57	34.69	34.76	34.17	32.81	33.03	33.02	32.53	32.55	32.20	30.86	33.18
1953	27.84	24.49	22.68	21.99	22.36	22.04	24.41	25.28	25.87	25.63	25.03	24.37	24.41
1954	24.74	23.86	23.89	24.83	24.25	23.88	23.99	24.08	25.00	25.37	25.85	26.53	24.66
1955	26.98	26.17	25.80	24.62	23.09	22.63	22.72	22.43	22.69	22.01	20.83	20.35	23.16
1956	20.02	18.88	19.41	20.56	20.70	21.05	22.37	25.81	27.27	26.08	24.30	21.99	22.30
1957	21.23	20.57	21.86	22.99	23.31	23.48	25.12	25.63	24.98	24.67	25.20	25.98	23.83
1958	26.82	27.54	29.90	29.37	28.83	28.07	26.99	26.11	26.70	26.67	26.77	27.19	27.42
1959	28.13	27.85	29.11	30.33	29.34	28.48	27.89	27.56	27.62	27.19	26.53	25.57	27.83
1960	26.42	26.69	28.08	27.76	27.43	26.04	25.64	25.07	24.80	24.94	26.08	26.86	26.24
1961	27.42	26.17	25.70	25.05	23.43	22.45	22.38	24.13	24.34	24.55	25.58	26.13	24.65
1962	26.39	26.76	27.31	27.45	26.02	25.25	26.50	28.19	29.85	29.50	30.13	28.91	27.67
1963	27.27	24.93	23.63	23.77	22.61	22.69	24.72	24.60	23.94	24.03	23.51	22.30	23.96
1964	22.61	21.34	21.56	21.28	20.52	21.57	23.44	25.28	26.07	25.07	24.64	24.01	23.12
1965	24.28	24.02	24.31	25.63	26.88	27.68	26.88	27.22	27.08	26.74	26.46	26.60	26.19
1966	26.87	27.79	29.22	27.98	26.75	25.49	25.41	25.85	26.11	25.50	24.94	24.50	26.29
1967	25.25	24.92	24.67	24.66	25.46	25.88	26.40	27.22	27.62	26.77	26.51	26.45	26.04
1968	26.87	27.34	27.75	27.49	27.16	26.89	27.65	28.01	28.20	28.21	28.46	28.88	27.74
1969	29.23	29.11	30.19	30.98	33.85	34.22	31.49	30.94					

TABLE 3.—BEEF: RETAIL PRICE, WHOLESALE VALUE, FARM VALUE, FARM-RETAIL SPREAD, AND FARMER'S SHARE OF RETAIL PRICE, ANNUAL 1966-68, QUARTERLY 1968-69

[Beef, choice grade]

Date	Retail price per pound [1] (cents)	Wholesale value [2] (cents)	Gross farm value [3] (cents)	Byproduct allowance [4] (cents)	Net farm value [5] (cents)	Farm-retail spread: Total (cents)	Farm-retail spread: Wholesale-retail (cents)	Farm-retail spread: Farm-wholesale (cents)	Farmer's share (percent)
1966	84.3	58.9	55.5	5.9	49.6	34.7	25.4	9.3	59
1967	84.1	59.7	54.3	5.0	49.3	34.8	24.4	10.4	59
1968 [6]	87.3	63.0	57.5	5.0	52.5	34.8	24.3	10.5	60
1968:									
January–March	86.4	62.0	56.3	4.8	51.5	34.9	24.4	10.5	60
April–June	86.6	62.9	57.8	5.3	52.5	34.1	23.7	10.4	61
July–September	87.9	64.1	58.6	5.1	53.5	34.4	23.8	10.6	61
October–December	88.3	63.0	57.4	5.1	52.3	36.0	25.3	10.7	59
1969:									
January–March	90.0	65.0	60.4	5.1	55.3	34.7	25.0	9.7	61
April–June	95.8	72.8	68.2	5.8	62.4	33.4	23.0	10.4	65
June	100.0	77.7	73.8	6.1	67.7	32.3	22.3	10.0	68
July	101.7	77.1	72.4	6.0	66.4	35.3	24.6	10.7	65
August	100.1	72.7	67.5	5.9	61.6	38.5	27.4	11.1	62

[1] Estimated weighted average price of retail cuts.
[2] Wholesale value of quantity of carcass equivalent to 1 lb. of retail cuts: Beef, 1.35 lb.
[3] Payment to farmer for quantity of live animal equivalent to 1 lb. of retail cuts: Beef 2.25 lb.
[4] Portion of gross farm value attributed to edible and inedible byproduct.
[5] Gross farm value minus byproduct allowance.
[6] Revised.

(The following colloquy, which occurred during the delivery of Mr. HRUSKA'S address, is printed at this point by unanimous consent.)

Mr. CURTIS. I commend my senior colleague, not only for the statement he is making today, but for the leadership he has given throughout the years in reference to our domestic meat situation.

This matter goes much farther than just the interests and welfare of the livestock producers. It affects every phase of agriculture. It has a profound effect on all feed grains—and among those we must now include wheat, which is being used more and more all the time. Cattle, hogs, and sheep fed in this country to supply our market here, contrasted with the livestock which is produced abroad, have a recurring and widespread beneficial effect on every phase of our economy, particularly our agriculture.

I commend my colleague for his leadership in general and for his very fine statement today.

Mr. HRUSKA. My colleague is very generous, and I am grateful to him for the information he has imparted.

The fact of the matter is, Mr. President, that the United States is about the only country in the world that does not have a very tight control upon the importation of meats.

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

Mr. HRUSKA. I yield.

Mr. CURTIS. Mr. President, it was my privilege to be a guest at a school agricultural affair in Dublin, Ireland, last month. I happened to arrive when the affair was going on. The Secretary of Agriculture was invited. There was a wonderful display there. The people were delighted.

I pointed out that Ireland will not permit the importation of our beef into Ireland.

Mr. HRUSKA. Yet, they are the third nation in volume of importation of beef into the United States.

Mr. CURTIS. I told them, instead of speaking harshly, "I respect you for your action."

Ireland's greatest asset is grass, and the development of their livestock is very important to them.

I think there should be some concern on the part of our Government toward our domestic producers of all kinds of meat.

Mr. HRUSKA. We are the greatest nation with respect to feed grain, and we have as much in volume of feed grain as Ireland has of the lovely green grass they raise.

Mr. CURTIS. The Senator is correct. I have a great deal of respect for them and a more friendly feeling because they are willing to help themselves and make an effort on their own behalf.

I think that is true in international trade. I do not believe that the United States can create friends and gain the respect of other nations by refusing to act intelligently with respect to its own people.

Mr. HRUSKA. Mr. President, I thank my colleague.

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

Mr. HRUSKA. I yield.

Mr. ALLOTT. Mr. President, I compliment the Senator for presenting in his speech several issues which I think are very important to the whole beef association.

Before mentioning any of them, I point out that the senior Senator from Nebraska, more than any other Senator, has carried on this fight for the protection of our cattle industry. And he has done this not just today or yesterday, but also at the time we passed the meat import quota law of 1964. He was the one who carried the battle at that time.

I think the particular point the Senator made is very important inasmuch as we hear on the street the statement from consumers that the price of meat is so high and the cattlemen are getting rich, or something to that effect.

As the Senator well points out in his speech, that the price of beef did go up very dramatically for a short time and it then declined just as dramatically.

In the market, the price of beef went up, but it has not declined as dramatically. The important thing is that this should not be put upon the backs of the people producing beef this year.

The other point I believe is very important is that there was no self-triggering device in the 1964 law, although, as I recall the situation at that time, the distinguished Senator from Nebraska, as well as many other Senators, was trying to toughen the law in that respect.

Mr. HRUSKA. The Senator is correct.

Mr. ALLOTT. We were simply unable to do it on the floor of the Senate. Since we are the least diligent in protecting our meat imports of probably any country in the world, I think that the speech the Senator has made brings to the attention of the Senate and the American people the real facts.

Unfortunately, many of the things we read in the news media do not reflect the true facts. Rather, they try to make the stockmen or cattlemen the bogeyman in the particular situation we face in the market.

Mr. HRUSKA. The Senator comes from a beef State. The State of Colorado is famed for its production of livestock, and particularly beef. The Senator speaks the truth when he says that there is not much to the argument about the allegedly high prices of beef on the retail market.

The price to the farmer of beef cattle, choice, in 1950 was $29.68, as opposed to 1968 when it was $27.74. These prices are in absolute dollars and not in constant dollars.

I point out, if one thinks the prices in the retail markets are high, that during the last 20 years wages have more than doubled.

According to Government figures, the average factory worker in 1930 earned $1.38 an hour. In August of this year, he earned $3.18 an hour. However, the cattle raiser and cattle feeder is getting no more now for 100 pounds of beef than he was getting 20 years ago.

No housewife should expect to buy a product produced for the market by the farmer at a loss.

Mr. ALLOTT. The Senator is correct. And the price differential in those 20 years is almost $2 per hundred, as the Senator has pointed out.

I thank the Senator for permitting me to intervene in his remarks. I think that everything the Senator has said should be underscored and repeated 1,000 fold throughout the country so that the people might understand the facts with respect to this important industry.

In our State, we not only produce and raise cattle, but, as the Senator well knows, many of our cattle are not fed in our feed lots, but go into Nebraska and help build up that great industry in Nebraska of feeding cattle.

We furnish, of course, a lot of small grains and feed in my State.

This matter is of vital interest, in my opinion, to all of the Midwestern and Western States. The facts as stated here are not just of local interest and are not only applicable to the State of the Senator from Nebraska. It is something that, in my opinion, is applicable with great force to every State west of the Mississippi particularly.

I think the Senator has been of invaluable assistance in educating the Senate and the public on this matter today.

Mr. HRUSKA. Mr. President, I thank the Senator from Colorado.

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

Mr. HRUSKA. I yield.

Mr. MILLER. Mr. President, I join with the other Senators in commending the distinguished senior Senator from Nebraska for the splendid research he has done on this immediate problem, as is always done by him on any problem.

I desire to ask the Senator a question or two. It seems to me that what is happening here is not a lot unlike what happened a few years ago on the part of some very shortsighted individuals who, all of a sudden, became concerned over a rather short-range increase in meat prices.

The Senator will recall that, after going through a rather depressed pork market for many months, almost a year, for a period of a few months the pork producers received very good prices. In fact, as I recall, the prices were up in excess of parity. Of course, we had to have those prices to make up for the lean years when the prices were well below parity.

What happened? Thanks to some very good reporting by very hard-working members of the press, the attention of the public was focused on the fact that, by written correspondence from the then Secretary of Agriculture, Orville Freeman, the Secretary of Defense received a recommendation to cut back on pork purchases. And the Secretary of Defense thereupon cut back on pork purchases for members of the armed services in an effort to depress the prices.

There is no question but what that action did depress the prices temporarily. And I have a feeling—and I ask my friend, the Senator from Nebraska if he does not share—that some of the same individuals know better than to go to the present Secretary of Agriculture and make a suggestion that he do what a former Secretary of Agriculture did, but hope that they can bring enough pressure and influence to bear on the administration to result in an increase in these imports in an effort to pull down the prices.

Does not the Senator from Nebraska feel that this is an objective that is being sought by certain individuals?

Mr. HRUSKA. Yes, I think so, in addition to the relaxation of the voluntary agreements that were entered into last year, and which are effective for this year as well.

Mr. MILLER. Does not the Senator also agree that the same situation exists today that existed in those days in the case of pork prices?

Mr. HRUSKA. Yes.

Mr. MILLER. But we had a temporary increase in beef prices which has now been rolled back—if not below—to what it was a few months ago, and the farmer is not the one to blame for the prices that the housewife has been paying in the grocery stores. I think the Senator has pointed out that, compared with 1950 prices, in terms of real dollars, the farmer is not receiving as much.

So does not the Senator think that the same situation is present today, and the same subtle effort is being made today, as occurred in the case of the pork fiasco involving Secretary Freeman a few years ago?

Mr. HRUSKA. The Senator has it analyzed very well and accurately.

Mr. MILLER. I thank my colleague.

Mr. HRUSKA. I thank the Senator from Iowa for his contribution. The State of Iowa is second in the production of beef in this country, Texas being first. That is what the books say. If the Senator from Iowa wants to dispute the records from which I cite, I will be happy to give him equal time.

Mr. MILLER. The Senator from Nebraska is most generous, and he is accurate except for one little detail. The State of Texas is indeed No. 1 in production of beef cattle, but that is not what counts, because the people are not enjoying that benefit. The people eat cattle that have been slaughtered; and Iowa, I am proud to say, is No. 1 in slaughter cattle production.

Mr. HRUSKA. I accept the modification.

(This marks the end of the colloquy which occurred during the delivery of Mr. HRUSKA's address.)

(At this point the Acting President pro tempore assumed the chair.)

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

Mr. HRUSKA. I am happy to yield to the Senator from Wyoming, who is a cattleman himself in that great, spacious, and beautiful State of Wyoming. Having visited his headquarters in the Jackson Hole country, I know he is a genuine cattle raiser and rancher.

Mr. HANSEN. Mr. President, I wish to express my profound appreciation to the Senator from Nebraska and to compliment him for his leadership role in seeing that the interests of those of us in the West who are engaged in agriculture are protected. The Senator from Nebraska has distinguished himself as a very knowledgeable advocate of the livestock industry, along with others in the

Midwest. I am delighted that the Senator from Iowa (Mr. MILLER) is in the Chamber at this time, as is the distinguished senior Senator from Colorado (Mr. ALLOTT), along with our newest colleague from cow country, the distinguished junior Senator from Oklahoma (Mr. BELLMON).

The Senator referred to the speech made by the Republican candidate for President, the Honorable Richard Nixon. I think the speech to which the Senator alluded was given on October 11 rather than October 8.

Mr. HRUSKA. I accept the correction and I am grateful for it.

Mr. HANSEN. I also would like to point out that the remarks by the distinguished Senator from Nebraska do call attention to the fact that the livestock industry is one which has not been supported by the Government of the United States through its various direct subsidy programs, as have other segments of the agriculture economy. It has tried to stand on its own feet; but that has not been easy because, as the Senator pointed out, prices today are about in the same notch in actual dollars as they were 10 years ago, and the same notch they were 20 years ago. This, of course, is a record. The Senator pointed out that these are not adjusted dollars, not dollars intended to reflect what the purchasing power might have been 10 or 20 years ago, but actual dollars.

Therefore, what we are seeing is that the purchasing power of a cattleman today, if he gets the same amount of actual dollars he did 20 years ago, is far less than his purchasing power 20 years ago. Did I understand the Senator correctly?

Mr. HRUSKA. Most certainly, and at the same time his taxes, the cost of his clothes, farm implements, feed, and everything else, have all increased remarkably.

Mr. HANSEN. I wish to compliment the distinguished Senator from Nebraska. I have no further questions at this time. I know the junior Senator from Oklahoma is most eager to participate in this colloquy and that he has some remarks he would like to make.

Mr. HRUSKA. I thank the Senator for his contribution.

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

Mr. HRUSKA. I yield to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I want to compliment the distinguished Senator from Nebraska for calling attention to this vitally important matter. Our State of Oklahoma is as vitally concerned about what happens in the beef business as are the more heavy beef producing States which are represented here today.

Our State has a growing beef cattle feeding industry, and in addition we produce large quantities of feeder calves, as well as grain.

The American cattle industry knows from sad experience what can happen when surplus beef from foreign countries is permitted to flood into our markets. In 1962 and 1963 we saw a tidal wave of foreign meat imports come into this country. In 1962 the beef and veal imports amounted to 1,440 million pounds and in 1963 imports were 1,678 million pounds. As recently as 1957 meat imports had been only 395 million pounds. When these tremendous quantities of meat came in from abroad, our cattle markets simply collapsed under the impact. Many cattlemen were wiped out. Cattle prices fell by as much as $10 per hundred. The entire industry suffered a severe setback.

During this time I was serving as Governor and I saw firsthand the devastating effect this collapse had on beef producers, on stalker calves, and on the producers of grain, as well as on local communities whose economies were tied up with agriculture. In addition the standard of living of wage earners was affected. There were protest meetings in my State to call attention to the serious problem. It was on the basis of that experience that the existing quota law was passed in 1964.

I would like to call attention to the fact that these quota laws do not stop the importation of beef but produce a sharing of the market with other countries. What we are talking about is not an attempt to stop beef importation but rather regulation so it will not disrupt the local industry.

Now we may be faced again with a similar situation. It has been widely reported that various foreign countries have been pressing our Government for a relaxation of the restrictions on their shipments. Such an action could be taken only by waiving the provisions of the quota law.

There is no justification whatever for considering such a step. The existing quota law is not an embargo—far from it. It permits imports to continue on the basis of past experience, with permission also for each foreign country to share in the growth of our market. In other words, the law permits imports to increase year by year, at the same rate as our own domestic production increases. American producers are given no preference over foreign suppliers in that respect.

Furthermore, the law permits imports to exceed the amount of the quota by as much as 10 percent before quotas are actually imposed. Thus, the base quota for 1969, legally speaking, is set at 988 million pounds. However, imports could rise to as much as 1,086 million pounds before quotas would be imposed.

Foreign suppliers are given more than their fair share of our market by the present quota system. They should not expect to have the quotas lifted, which would mean giving away a further share of the market which rightfully belongs to our own producers.

There are a few comments I would like to make and perhaps ask the Senator a few questions. I am not sure anyone has considered the fact that the importation of meat has a very direct effect on the grain business. I am sure the Senator from Nebraska knows that it takes at least 8 pounds of grain to produce 1 pound of beef. When a live beef animal is slaughtered and dressed, one-half the weight is lost. So every time we bring in a shipload of beef from another country in effect we bring in 16 shiploads of grain.

This Government spends a large amount of money supporting agriculture and in providing price supports, and a great deal of this money goes to support feed grains and wheat. Therefore, it is obvious that when we bring in beef we increase the cost to the Federal Government of agricultural supports.

Mr. HRUSKA. The Senator is eminently correct in that analysis. In earlier debates and from time to time this point has been brought up, but I am glad he has reminded us of it. The effect of these imports will not start and stop with the market price on the price of cattle. It will have lateral effects and direct effects on many other areas, but principally on the feed grain production of this country, together with the beneficial use of large areas of grazing land which cannot be put to other use.

Mr. BELLMON. The Senator is eminently correct.

I wish to point out another problem. Along with the distinguished Senator from Wyoming, I traveled to Japan in 1965. At that time he was Governor of Wyoming. We frequently were subjected to the Japanese diet which is almost totally free from beef. As I remember, the average consumption of beef was about 4 pounds per person per year; in this country it is 105 to 110 pounds per person per year. Japan, as we are all aware, has become a prosperous industrial nation and has need for additional supplies of high quality low-cost beef.

I would like to ask the Senator if he knows of any efforts on the part of our Department of Agriculture or on the part of the Department of State to increase the exports of American beef to Japan and other industrial nations where there is a very definite need for high quality and low-priced beef; and whether or not any efforts are being made to develop exports to other countries where there is a high degree of protein starvation among the citizenry which do not have access to beef as in our country. Does the Senator know of any such efforts?

Mr. HRUSKA. There have been efforts and there are efforts. However, the prospects are mighty dismal. Our beef is of high grade and our beef is produced in an economy where the cost of production is at a rate too steep for the countries to which we could export it. There have been efforts and there could be efforts, but they have not advanced much and have not produced significantly and would have little impact on this large industry which, after all, totals about $25 billion a year, the biggest single industry in the country.

Mr. BELLMON. Would the Senator from Nebraska be interested in trying to work out a program whereby we could encourage exports of beef?

Mr. HRUSKA. To encourage other countries?

Mr. BELLMON. To encourage the sale of our beef to other countries.

Mr. HRUSKA. That has been made constantly. Hopefully, we turn to them, but we have not been very gratified with the results.

Mr. BELLMON. I want to conclude by emphasizing the fact that I feel that foreign suppliers have been getting a fair share of the American beef market under the present quota system. I certainly

do not feel that the quota system needs to be changed or abolished. It would be a great detriment not only to the beef industry but also to agriculture and this country as a whole if that ever should happen.

Mr. HRUSKA. I thank the Senator from Oklahoma. He is a farmer in his own right, too, so that he knows from direct contact and experience what is involved. Having been Governor of the great State of Oklahoma during those dark days of 1963 and 1964, when there was a collapse of the livestock cattle market, he certainly knows whereof he speaks.

In connection with the consumption of feed grains, to which the Senator from Oklahoma referred, there is another statistic that should be renewed and that is that beef imports in terms of the 1,885,000,000 pounds, which was the figure back in 1963, was calculated out by the Ohio Cattlemen's Association along this line. Insofar as displacement of actual cattle are concerned, in head of cattle, if there is a conversion of those imports to head of cattle, it would take 3¼ million cattle just to be the equivalent of the imports of those days, at an annual rate.

Added to that, of course, is the foundation herd that runs along somewhere in the neighborhood of 4 million cattle in that second herd so that the impact is tremendous. It goes right down from there into all aspects of the agricultural picture in this country.

Mr. HANSEN. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. HANSEN. Mr. President, I take note of the fact that the distinguished junior Senator from Montana (Mr. METCALF) now occupies the chair. I have had the high privilege of working with him for 2½ years now. While we are on opposite sides of the political fence, there are few other fences that divide us where the interests of the West are concerned.

I know so well that Montana has a real stake in the cattle situation. I am certain, as a consequence, that the distinguished occupant of the chair will appreciate my observations when I point out that insofar as parity is concerned, cattle prices in 1968 averaged out at about 79 percent of parity.

This year, when prices peaked in June, parity rose to 95 percent but reflected the downward plunge in prices after the peak. Parity fell in August to 87 percent. It is expected to average out to about 84 percent for September of this year, reflecting a continuing downward trend in prices.

I would further point out to my distinguished colleague from Montana that there is a very distinct relationship between imports, as he so well knows, between the volume of meat shipped to this country, and our domestic price in the United States.

The Economic Research Service of the U.S. Department of Agriculture points out to me that the estimates are that if foreign imports this year were increased above the adjusted base quota level by 50 million pounds, choice steer prices would drop from 40 to 50 cents per hundredweight lower than if the imports were disallowed.

It does not take a mathematical genius to carry this calculation further and apply it to what the situation might be without imports at all, or with limited imports.

The distinguished Senator from Nebraska has gone into some detail in calling attention to the ramifications of livestock prices in this country and the economic health of rural America.

I think that he would not object one bit to my underscoring his remarks by pointing out the relationship between farm costs and debt as I find it to be today.

In 1960, farmers and ranchers in America owed $23.6 billion in debts, $12.1 billion of it in real estate debts.

Today, their costs are more than double what they were in 1960.

The total farm debt at the beginning of this year was a whopping $49 billion.

The total debt in March 1969 was even higher, $53.1 billion, $27.8 billion of it being the debt for real estate.

The total non-real-estate debt for agriculture has increased from $11½ billion in 1960 to $25.3 billion in 1969.

In other words, the non-real-estate debt for agriculture has more than doubled between the years 1960 and 1969 but the price situation has been an entirely different story, as has been pointed out by the distinguished Senator from Nebraska. The price today is approximately the same as it was 10 years ago, and approximatley the same as it was 20 years ago.

I defy any Member of this Chamber to point out a comparable situation regarding an important commodity in the United States that has not reflected an upward price adjustment from 20 years ago or 10 years ago.

These facts, of course, merely underscore the extreme urgency of this situation and the need for clarification so that there can be no doubt at all, insofar as the position of this administration is concerned with regard to a matter so vital to American agriculture.

Mr. HRUSKA. Mr. President, the Sentor from Wyoming makes a most splendid statement and has added much information available to the Senate.

Mr. President, I yield the floor.

Mr. HANSEN. I thank the Senator from Nebraska.

Mr. President, I have spoken out many times on the floor of the Senate regarding the impact foreign imports have on our domestic livestock industry.

I have joined time and again with colleagues also concerned with the impact of beef imports, to try and obtain passage of legislation that would strengthen the existing import quota law, Public Law 88–482. We have been unsuccessful to date, but the need for strengthening the law is demonstrated time and again, year after year, including 1969.

In 1968, the cattle industry and Members of the Congress watched throughout the year as estimates of foreign meats subject to Public Law 88–482 were announced, and then revised upward—and then revised upward again. Total imports for the year amounted to 1,001,000,000 pounds—a scant 5 million pounds under the point where the Department of Agriculture would have been forced to impose a quota, thus invoking the provisions of the law. Imports in 1968 went 13 million pounds above the base quota level—the figure established at the beginning of the year, and which is intended to be recognized by foreign countries as the figure beyond which they should not go.

It is obvious from 1969 statistics and estimated figures that this year is going to be much like the last—and there is a rumor that the administration is planning to make matters worse by pulling the rug out from under the cattle industry.

Mr. President, the September 24, 1969, Wall Street Journal contained the usual commodity and market summaries and projections. But buried at the very bottom of the price trends published on that particular day were three paragraphs that, although short in length and scant in detail, were loaded with meaning for America's cattle industry.

The article said, and I quote:

> Cattle prices at Omaha, Neb., and Sioux City, Iowa, rose 25 cents a 100 pounds. At other centers, markets were about unchanged.
>
> The Day's business had ended when livestock and meat dealers received news that the Administration is studying a possible increase in beef imports. The intent is to help ease inflationary pressure, a member of the President's Council of Economic Advisers said. However, he expects opposition from the livestock industry.
>
> About the most that could be expected, the official said, would be an increase of 100 million to 200 million pounds annually, mostly from Australia and New Zealand. Both nations have been in touch with President Nixon on the matter.

I have not yet been able to determine whether or not such an increase is, indeed, to be granted. But there is one statement in the article that is grossly understated, if these imports are to be encouraged. The administration can, indeed, expect opposition from the cattle industry, and I feel strongly that the industry is 100-percent justified in its opposition.

Mr. President, later on in my remarks, I intend to document, with up-to-date figures, as accurately as I possibly can, the reasons why any planned increase in beef imports should be immediately shelved. But I want to point out first that in my opinion, this administration made some pledges to the cattlemen of this country long before election day rolled around. Cattlemen were deeply concerned during the last political campaign about the position of candidates for Congress and for the Presidency regarding imports from foreign countries which the industry believes, and which I believe, compete unfairly with the domestic industry and adversely influence the price received by the domestic producer.

During a speech to an agricultural group on October 11, 1968, at Dallas, Tex., Presidential Candidate Richard M. Nixon said, and I quote from a copy of a statement received from the Nixon campaign headquarters:

In the past 20 years, per capita consumption of beef in our country has risen from under 70 to more than 104 pounds per person. In the same period, the average portion of family income expended on foods has actually declined by more than seven per cent.

The cattle industry, however, has not kept pace with an increasing national prosperity because of a severe cost-price squeeze, and adverse governmental policies. The result has been that many small family cattle operations, which represent the bedrock of the industry have been forced out of business. These that have survived have been saddled with crippling debts.

Mr. Nixon went on with his comments to quote figures showing the drop in prices, and he compared the price in 1948 to the price in 1968, noting the situation for cattlemen has steadily worsened since 1948.

After thus explaining the economic plight of the industry, Mr. Nixon then outlined his plan for aiding the cowman. He said:

One cause of this severe cost-price squeeze has been the impact of imported meat.

Because of the meat export subsidy practices of competing meat nations and the tariff restrictions of other nations, the American market has at times been flooded with cheap foreign beef.

Mr. Nixon continued his comments, referring to the meat import quota law enacted in 1964. He said:

Because of Administration pressure, the meat import legislation ultimately enacted was riddled with loopholes. As a result, and in spite of a law, the volume of imports this year threatens to be greater than in any past year, except the record year 1963. Yet Secretary Freeman has consistently failed to evolve even those provisions of the law which could be effective.

Loopholes in the present law must be closed so that domestic cattle producers can participate on a fair basis in the growth of the domestic market.

The Nixon Administration will not turn its back on the needs of the cattlemen. The Nixon Administration will be dedicated to seeing to it that cattlemen enjoy their full fair share of our increasing national prosperity and that federal policies encourage the health and growth of this vital industry.

Mr. President, the pledges and promises of assistance contained in that statement by the man who has since become our distinguished President were reasonable. They were deserved and appreciated by the livestock industry, and they were attainable. They are still attainable, and I believe they should be honored.

These commitments cannot be honored if the administration makes good the alleged invitation to Australia and New Zealand to send more beef imports, and I fervently hope that there is absolutely no basis in fact for the statements contained in the Wall Street Journal.

I say this knowing full well that the President has been approached by Australia and New Zealand, and that these countries have asked him to let them continue shipping beef to America.

One such request has been presented by members of the Australian Meat Board in behalf of the Australian meat industry.

Mr. President, I ask that a statement apparently prepared by the Australian Meat Board, entitled, "Considerations Supporting Increased Imports of Australian Meat During 1969," be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HANSEN. Mr. President, the bulk of the meat board's statement is devoted to dramatically phrased pleas to the United States to bail Australia out of its economic problems.

The statement notes:

Both the natural expansion of Australian meat production and certain special factors which have developed during the present year place the Australian meat industry in a position where it must find a market for about 80,000,000 pounds of meat during the balance of 1969.

We believe that the present limitations under the voluntary restraints program affect our industry inequitably and we urge the United States government exercise its administrative discretion to afford us some measure of relief.

Mr. President, I am sorry the Australian beef industry is having problems. American cattlemen have had problems too, and there no doubt can be generated at least some sympathy from those in this country who have been or still are in the same boat.

But I submit that the No. 1 concern of the American Government should be the well-being of the American livestock industry—not the Australian livestock industry.

The Australians and all the other nations that export beef and veal to America have known about our import quota law since the day it first was proposed and debated in the Halls of Congress.

These countries have known every year since enactment of that law exactly how it worked, exactly what the political considerations were that could play a part in the application of the law, exactly how it would affect their shipments to America, and that it could affect the domestic market.

The Australians have known since the beginning of this year that the Government of the United States had established—on the basis of what was considered to be in the best interests of the domestic livestock industry, the overall economy, and I presume, our relationships with foreign nations—an adjusted base quota level for all nations of 1,035,000 pounds. They have participated this year, as in past years in negotiations from time to time with representatives of the United States and they are fully aware of all the conditions in this Nation which influence meat import decisions.

The Australians have already shipped to the United States their entire 1969 allocation of beef and veal for U.S. consumption. They have shipped in excess of 505 million pounds of beef to America already this year.

Now, Australian beef industry representatives come to the United States, and they tell us their industry is in trouble. They say they owe it to themselves to try and persuade the United States to come to their rescue. They say they understand that the U.S. beef industry has economic problems, too, but they do not think it is unreasonable to ask that we ignore our own problems and, instead, take steps to help solve theirs.

Let us look at the cold, hard statistics with respect to the foreign import situation.

President Nixon illustrated the situation for the livestock industry in this country when, as a presidential candidate, he pointed out that in 1948, Choice fed steers in Chicago sold for an average price of $30.96 per 100 pounds.

During 1964, following record meat imports, the selling price averaged $20.52—down more than $10.

In January of 1968 the price per pound for Choice, live slaughter steers at Chicago was $26.69. In June of 1968, it was $26.55. In September a year ago, it was $27.90. In December 1968, it was $29.44.

In January of 1969, it was $28.89; in June, the price peaked at $34.68. And now, in September of this year, it is about $29.55.

The figures show, I believe, that while the price has fluctuated, it has never increased to the point where the cattlemen of this country could say they were receiving an income after expenses that was anywhere close to what citizens in other endeavors have received.

Since I first read the article in the Wall Street Journal which alleged that imports would be increased by 200 to 400 million pounds annually, I have talked with officials at the White House, and I have talked with officials at the Department of Agriculture.

USDA economists are pointing to the drop in Choice cattle prices in September of this year as the first in a series of expected reductions. According to their projections, the $34.68 price paid in June of this year is a phenomenon of the past—a nice thing while it lasted, as far as the cattlemen are concerned.

In light of this situation, it seems tragic, indeed, that White House economists would decide at this time to entertain the idea of opening the gates to millions more pounds of beef to help speed a drop in the price.

And all of the discussion about price must be balanced with a cognizance of the fact that the cost of doing business for the livestock industry is at a record-breaking, alltime high. The cattlemen suffer from inflation, too, just as the consumer does.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the article entitled "Commodities—Price Trends of Tomorrow's Meals and Manufactures," published in the Wall Street Journal for September 24, 1969.

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

Cattle prices at Omaha, Neb., and Sioux City, Iowa, rose 25 cents a 100 pounds. At other centers, markets were about unchanged.

The day's business had ended when livestock and meat dealers received news that the Administration is studying a possible increase in beef imports. The intent is to help ease inflationary pressure, a member of the President's Council of Economic Advisers

said. However, he expects opposition from the livestock industry.

About the most that could be expected, the official said, would be an increase of 100 million to 200 million pounds annually, mostly from Australia and New Zealand. Both nations have been in touch with President Nixon on the matter.

EXHIBIT 1

CONSIDERATIONS SUPPORTING INCREASED IMPORTS OF AUSTRALIAN MEAT DURING 1969

These facts are presented by the Australian Meat Board on behalf of the Australian meat industry. Our industry finds itself in a situation of serious emergency because of the restrictions on its sales to the United States under the voluntary restraints program. The Australian allocation for the entire year 1969 under that program is presently 505,000,000 pounds out of a total meat import quantity of 1,035,000,000 pounds. When the program for this year was established, Australia objected strongly to this allocation because it failed to recognize the historical percentage of U.S. meat imports that had been enjoyed by the Australian meat industry. Over a period of several years prior to the initiation of the voluntary restraints program, the Australian share had been in excess of 54%, whereas the allocation required of us to cut our share back to less than 49%.

We are now experiencing the heavy impact of this curtailment of our market share.

With almost one-third of the year to go, now in early September, our entire quota has been allocated, only 3,000 tons of meat remain to be shipped and no additional Australian meat will be available to U.S. users during the final quarter of this year. At the same time, both the natural expansion of Australian meat production and certain special factors which have developed during the present year place the Australian meat industry in a position where it must find a market for about 80,000,000 pounds of meat during the balance of 1969.

On the other hand, the United States market has for a number of years suffered from a chronic shortage of manufacturing meat, which accounts for the great preponderance of Australian meat imports. Americans consume greater quantities of this meat proportionately than do consumers in other countries, and their rate of consumption is rising. The American meat industry cannot economically produce substantial amounts of manufacturing meat. In contrast, Australia is uniquely well suited for the production of this class of meat and the Australian industry has consciously geared up over a period of time to meet the American demand. The present Australian production reflects decisions made by our industry several years ago in recognition of this American consumer demand and in reliance on being permitted at least to maintain our relative position in U.S. meat imports. Under the artificial limits of the voluntary restraints program the American consumer is thus deprived of an adequate supply of manufacturing meat and Australia finds itself with an unmarketable surplus.

We believe that the present limitations under the voluntary restraints program affect our industry inequitably and we urge that the United States Government exercise its administrative discretion to afford us some measure of relief.

Insofar as the operation of the program is concerned, the reasons for our belief that it is inequitable can be readily illustrated. In the years prior to the present limitation, as previously mentioned, Australia's share of total U.S. meat imports was in excess of 54%. As applied to the present total of 1,035,000,000, this would make available to the Australian meat industry a total of about 559,000,000 pounds. If we were accorded our traditional share, therefore, we would be able to market in this country an additional 54,000,000 pounds out of our existing surplus. Australia was the only country to suffer a substantial loss in market share under the present voluntary restraints arrangement. The Australian industry's acceptance of this reduction in 1968 was based on the assurance that our cooperation at that time would not prejudice our position in future years. We have, however, thus far been held at the same reduced share for 1969 and we now find that the inflexible continuation of the current restraint level would cause us severe injury. We are convinced that, under existing provisions of law, the United States Government is in a position to ease the present severe restrictions on imports of Australian meat to enable us to recover at least the greater part of the market share of which we have been deprived under the present voluntary restraints limit.

The Meat Import Quota law requires the Secretary of Agriculture to establish mandatory quotas only when he can foresee that a total figure set in accordance with the provisions of the statute will be exceeded by U.S. meat imports. For the present calendar year, this figure has been determined to be 1,087,000,000 pounds. The Secretary of Agriculture estimated at the end of June that total imports would only come to 1,035,000,000 pounds, which of course is the amount of the voluntary restraints total.

Accordingly, the Secretary of Agriculture could increase his estimate of the total volume of meat imports for this year by over 50,000,000 pounds without reaching the "trigger point" level which would bring mandatory quotas into play. The additional quantity legally permitted thus approximates the amount of which the Australian meat industry has been deprived under the voluntary restraints allocation presently applicable to us.

We believe further that the United States Government could permit Australia to ship in well over an additional 50,000,000 pounds without exceeding the statutory limits. Some of the countries exporting meat to the United States will undoubtedly fall short of the share allocated to them under the program of voluntary restraints. The understanding between the Australian Government and the Government of the United States is that Australia is to share in the allocation of any such shortfall.

We urgently request that the United States Government grant us an increase in our present allocation under the voluntary restraints program. The legal latitude is available for this exercise of administrative discretion. The margin between the legal limitation and the present voluntary restraints total, even disregarding shortfalls, approximates the amount necessary to restore to the Australian meat industry its traditional share of U.S. meat imports. Although this added amount will not accommodate the present Australian meat surplus, it will substantially alleviate the hardship that otherwise will be caused to Australian producers, packers and exporters.

As previously noted, the present Australian meat production results from past projections of growing demand for our product in the United States market. The present price situation shows that this planning was justified and that only artificial restrictions keep its consumption below proper levels. Our present problem is further aggravated by an emergency set of circumstances. Because of a continuing severe drought in Queensland, the cattlemen in that state are unable to continue to provide forage for their cattle herds. A drought in Queensland has vastly greater repercussions on beef exports than one in any other area because Queensland has over one-third of the cattle in Australia and has three times the beef production of any other state. Queensland cattle must be slaughtered and marketed or allowed to die on the range. Under the drought conditions, there is no possibility of keeping this large quantity of meat on the hoof and off the market. Moreover, available storage facilities will be over-taxed by the amount of meat that will be produced during the remaining months of 1969. Other world markets are inadequate to absorb the unavoidable surplus on an economic basis.

It is our conviction that we have cooperated in every respect with the United States Government in the development and implementation of the program of voluntary restraints. The degree of our cooperation threatens the Australian meat industry now with serious injury. The Australian Meat Board has the responsibility to do everything within its power to prevent the infliction of such heavy damage on the Australian meat industry. We recognize that U.S. Government officials have a similar responsibility to administer the laws enacted by the United States Congress. But the current voluntary restraint level, which cuts our meat industry down both below the percentage of the market which it has supplied historically and below the level which the United States Congress has allowed for imports before mandatory quotas are "triggered," need not be rigidly applied when the room to maneuver within the scope of the legal provisions is available to help both the Australian industry and the American consumer.

In our view, the preservation of a program of voluntary restraints requires its fair and flexible administration within legal limits. A rigid policy which compels us to chop off new sales to the U.S. market for delivery during the balance of 1969 would make our continued acceptance of a voluntary restraints program incompatible with the responsibilities of the Australian Meat Board to the members of its industry.

It is also apparent that allowing the Australian meat industry an additional volume of imports in the neigborhood of 50,000,000 pounds during the present calendar year could in no way injure American meat producers. Our chronic surplus of manufacturing meat, created by the existing artificial restraints, is matched by a chronic shortage in the United States of that particular class of meat. A shutoff of the Australian supply during the last quarter of 1969 would mean that boneless manufacturing beef would not be available in sufficient quantities to meet your domestic demand. The increase which we request, and which is within the authority of the United States Government to grant, is a small fraction of 1% of U.S. production. Its only impact in this country would be to benefit American meat processors and, even more importantly, American consumers. Moreover, it is clear that an artificial and unnecessary shortage would apply heavy pressure to prices of meat products utilizing manufacturing meat. The granting of the additional import share permissible under the present law will serve to prevent the development of greater inflationary pressures.

An exercise of the discretion available to the United States Government thus will serve to prevent serious hardships to the Australian meat industry and will directly benefit American meat users and consumers. It will serve these purposes without any possible harm to American meat producers.

Mr. MILLER. Mr. President, I wish to add my warning against any action which would open up our domestic market to larger imports of foreign beef than the amount permitted under the present quota laws.

Any such step would be extremely dangerous to our domestic producers.

The fact is that during the past few weeks, prices in the cattle industry have been experiencing a very serious decline.

Last spring, cattle prices rose quite sharply. In June, the price of choice steers in Chicago reached a level of about $35 per hundredweight. However, prices have fallen as fast as they went up. In the course of 8 weeks, they dropped over $5 per hundredweight. During the past few weeks, choice cattle have averaged less than $30 per hundredweight. This does not take into account the fact that these are inflated dollars and not real dollar prices.

The sharp declining cattle prices have inflicted serious injury on many segments of the livestock industry, not to mention agribusiness in general.

Likewise, wholesale prices of dressed beef have declined from about $55 per hundred pounds to $45.50 per hundred, a decline of $9.50 per hundredweight—almost 20 percent.

High prices being paid by the housewife at the grocery store should not be blamed on the farmer. To depress further the market by increasing imports would be most shortsighted.

VIETNAM TROOP WITHDRAWAL

Mr. MILLER. Mr. President, one of the most interesting aspects of the President's announcement that he was withdrawing 35,000 additional troops from Vietnam has been the Communist reaction to it. Both at Paris negotiations and in the Communist press, the withdrawal has been described as meaningless and insignificant. On the other hand, in South Vietnam itself, Vietcong propaganda banners and bulletins displayed the message:

The Americans are running out on you.

In other words, the enemy talks out of both sides of his mouth.

Of course, the other side hopes that one of these two extremes will be believed by some people—that either we are doing nothing—which means that opposition to the war in America will mount; or else that we are going out too fast—which means that our allies in South Vietnam will surrender so that the enemy can take over the country. The truth of the matter, of course, is that neither of those extreme interpretations is accurate. The President is steering a middle course between too little and too much—between the Scylla of inaction and the Charybdis of panic—between perpetual stagnation and headlong retreat. He is reducing the American presence in Vietnam, to be sure. But he is doing so at a pace which does not impair the overall military position, and I am confident that this pace will not be affected by any resolutions introduced in the Congress with attendant fanfare, calling for a specified timetable for complete withdrawal.

The President has indicated that there are three factors which will determine the number and the size and the timing of troop withdrawals: First, the progress of the Paris peace talks; second, the level of activity on the battlefield, and third, the ability of the South Vietnamese Army to take over the military burden. It is in this third area where the picture reportedly has been most promising. The withdrawals made and planned are premised primarily on this development.

We can be sure that the President will continue to most carefully evaluate all three of these factors as he makes his difficult decisions. Clearly, however, the behavior of the other side will affect these decisions. If they mistake his intentions, then the end of the war will be further delayed.

At the same time, it is imperative that we not blind ourselves to Hanoi's ultimate designs of conquest in our haste to find a solution. Nor, in seeking breakthroughs, can we afford to dismiss its past deeds. It is for this reason that members of the press today have an even greater responsibility to examine closely and objectively the actions of Hanoi. They have a similar duty to not condemn out of hand everything which has a Saigon dateline, while ignoring the implications of datelines from Hanoi and Peiping.

Robert Spiegel, the able and astute editor of the Mason City, Iowa, Globe-Gazette, put his editorial finger on the basic point when he wrote on September 17:

It is easy, and often proper, to attack the Saigon regime for its excesses, weaknesses and undemocratic methods. It is never proper to do so without considering the cruel alternatives offered by the land of Ho.

I commend this editorial to my colleagues and ask unanimous consent that it be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MILLER. Mr. President, I am certain that the President has taken these alternatives into account as he has made his decisions. I am not so sure that those who would force a fixed timetable for complete withdrawal of U.S. forces have done so.

All of us both in the Congress and in the Nation—should join in commending the President for his honest and conscientious efforts to bring about a negotiated settlement. We should either support him as he puts his strategy into deeds or at least refrain from the kind of criticism which gives aid and comfort to the enemy. Only in this way can we make it more likely that the will and purpose of our country will be correctly interpreted.

EXHIBIT 1

THE CRUELTY OF HO

The death of Premier Ho Chi-minh brought reluctant recognition that, at one time, he had been the main unifying source in Vietnam.

Some have called the Marxist leader the "George Washington" of Vietnam for that very reason. The parallel should go no further.

P. J. Honey, a British authority on Oriental nations, has long been a student of Ho's life. He points to the killing of 50,000 to 200,000 Vietnamese who were executed by Ho following his defeat of the French.

Ho's excuse was to eliminate "exploiting landlords." In most instances these were village leaders. Honey writes: "By forcing villagers to participate in the deaths of people they knew to be guiltless, Ho involved them in collective guilt. By giving authority to villagers who never expected it, he secured their cooperation."

This same cruelty is known by American prisoners of war.

For the first time this month, the U.S. government has let two former American captives tell about the way it is.

Navy Lt. Robert Frishman was one of three Americans released last August. All three suffered from wounds or bad treatment.

Frishman estimated some 600 Americans are being held prisoner under harsh, often inhumane circumstances.

"Are rebreaking broken bones in solitary confinement humane? . . . I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost by not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to POW's are humane . . ."

The U.S. government had not allowed Americans released earlier to tell their stories, apparently to avoid provoking retaliation against remaining prisoners.

The facts are being told now because it has become obvious that silence is not winning fair treatment for those still in prison camps.

Relatives of prisoners and those missing in action were informed prior to Frishman's statement that an imminent announcement might be distressing to them.

Secretary of Defense Melvin Laird added: "There is clear evidence that North Vietnam has violated even the most fundamental standards of human decency . . ."

And Frishman said Americans still in prison camps in Hanoi knew he was going to speak out: "I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth.

"I feel it is time people are aware of the facts."

This is so.

It is easy, and often proper, to attack the Saigon regime for its excesses, weaknesses and undemocratic methods. It is never proper to do so without considering the cruel alternatives offered by the land of Ho.

LETTER FROM SGT. KENNETH L. PETERSON, PUBLISHED IN FORT DODGE, IOWA, MESSENGER

Mr. MILLER. Mr. President, one of the most moving letters I have read appeared as a guest editorial in the September 4 edition of the Fort Dodge, Iowa, Messenger. It was written by a young Fort Dodge marine who was twice wounded in Vietnam. While Sgt. Kenneth L. Peterson has seen the ugliness of war, his faith and pride in his community, State, and Nation remain undimmed. And his deep love and respect for his parents should serve as an inspiration to those who are so quick to condemn.

It is a most meaningful letter, and I ask unanimous consent that it be placed in the RECORD.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

THANK YOU, IOWA

(By Sgt. Kenneth L. Peterson)

(NOTE.—From a 21-year-old Marine who was wounded twice in Vietnam and has since been in Hawaii comes the following moving guest editorial. Sgt. Kenneth L. Peterson, son of Mr. and Mrs. LeRoy Peterson, 1343 S. 26th St., suffered a chest wound and two hours later a serious neck wound while fighting with a Marine unit in Vietnam Feb. 6, 1968. He lay in pain for seven hours before he was evacuated by helicopter. Since that time he has been in Hawaii, first recuperating from his injuries and in recent months assigned to duty in the Marine liaison office of Tripler Army Hospital, Honolulu. The young Marine NCO writes feelingly of home and parents in this letter.)

While sitting at my desk here in Hawaii a thought came to me. How lucky I am! . . .

Lucky to have had been reared in Iowa. We now live in a mixed up society—people just can't seem to get along with one another. This is when I decided to write and thank my parents for bringing me up to be God fearing.

Then I thought "why thank my parents when it wasn't just them who were totally responsible, but every person in a young man's environment?" This mean I should thank each and every person in the community.

So I entitle my message "Thank you, Iowa." This is how my letter to an Iowa community reads!

Sitting here in Hawaii trying to get in the mood for writing a long overdue letter to my parents, I started thinking—what has come over me? Why is it so hard to sit down and write a few deserving lines to the ones who love me? It was once easy for me to write. Was it because I just left you? Was it because everything I did was new—people, places, friends and experiences? This was my first reaction, my easy way out.

Thinking it over a little more carefully, I come up with thoughts and reasons much deeper. Mother, I am a product of your and my father's upbringing. My thoughts and first judgments come from you. This means basically, my thoughts are your thoughts.

I think of all those times when I was young. You were always there for guidance. I ask myself, am I a "midwest man", different than any other man?

Sitting at a social party with friends one evening conversing in a broad manner, a question arose as to why we have a high rate of juvenile delinquency in our cities. Each person made his statement. After making my statement on the matter, a very good friend of mine said jokingly, "what do you know about city life, living in Iowa."

I returned his remark with, "how right you are, but let me tell you about my little city in Iowa. I come from a city of approximately 30,000 people located in the north central portion of Iowa, called Fort Dodge.

"My whole life has mainly consisted of that particular city and state. At the age of 4, I started in Iowa schools. My family is an ordinary Iowa family. I really didn't have the opportunity to see any fancy museums or theaters. My early childhood consisted of long hours with God present all around me. You see my friends, in many ways, I am luckier than any other person.

"In what large city can you really see wild flowers bloom, a deer graze in a nearby pasture, beavers building their dam, fresh alfalfa being cut, and the brisk fresh smell of a morning's richness?

"Thanks to that small city and the state of Iowa, I had all this and much much more. I guess for the most part I have to thank you, Dad, you along with every Little League coach or manager. Every time I had a little boy's problem you were there. Always ready to give advice, but never forcing it. I would go to the YMCA in my little city with all my nine-year-old problems. There the answer would always lie with a tall lanky college age student, or that short pudgy middle-aged janitor or that elderly retired desk manager.

"I often hunted raccoons along the Des Moines River and trapped muskrat in Lizard Creek.

"Why, oh why, America, can't you be a little more like my little city in Iowa? If our younger children could only have that opportunity. Not only to have good parents, but equally as important, to have people around where they live take an active interest in their behavior, instead of teaching them the ugliness of rioting and protesting."

You see my friend, I'm proud to say that I'm from a city small in size, but immense in thoughtfulness and love. Thank you God for letting me be fortunate enough to be raised in a state such as Iowa.

"Thank you, Iowa, for your knowledge and love."

RELAXING MEAT IMPORT LIMITATIONS

Mr. METCALF. Mr. President, I am very grateful to the Senator from Rhode Island for relieving me of the chair and giving me an opportunity to respond to some of the matters that my friend from Wyoming mentioned a few moments ago in his discussion of prices of beef.

I think the Senator from Nebraska has made a significant contribution to our understanding of beef prices and the problems of cattlemen in the West. Of course, he was joined by the Senator from Iowa, the Senator from Wyoming, the Senator from Oklahoma, the Senator from Colorado, and other Senators.

I want to especially underscore, however, the statement the Senator from Wyoming made on the increased indebtedness of the stockmen and cattlemen in their agricultural real estate as a result of meat imports from all over the world. Instead of the kind of indebtedness which is ordinarily incurred in carrying on their ordinary business, they have more than doubled the indebtedness on their real estate. One of the reasons why they have had to borrow more and more on their ranches in the West is the decline in the price of beef. We have to recognize that this facet of indebtedness has not only doubled so far as money is concerned, with respect to mortgages on ranches, but has also doubled as far as interest rates are concerned. This has been brought about by importation of beef and the fact we have not been sustaining this very important industry.

Ordinarily a current operation pays for itself when the calves are raised and then paid for at the end of the year when they are sold to the feedlots. The rancher goes to the bank and gets his money. But year after year the stockmen of Montana, Nebraska, Texas, Iowa, Wyoming, Oklahoma, and other States where livestock is produced have been finding that they do not have enough money at the end of the year to come out even. So they borrow a little more on their ranches. They increase the mortgage on the real estate involved.

This is a very serious situation that we should recognize today and that we should take care of today. We should be sure we understand that this is a manifestation of a price crisis that can bring about a great crisis in a most important economic activity of the West.

Mr. HANSEN. I thank the distinguished Senator from Montana.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

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

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Vermont (Mr. PROUTY) is recognized.

Mr. PROUTY. Mr. President, I yield to the Senator from West Virginia.

AMENDMENT INTENDED TO BE PROPOSED TO S. 2917—COAL MINE HEALTH AND SAFETY BILL BY SENATORS FROM WEST VIRGINIA; WOULD ADD NEW TITLE ON COAL MINER'S WORKMEN'S COMPENSATION IMPROVEMENT

Mr. RANDOLPH. Mr. President, I send to the desk an amendment which may be proposed by me for myself and my distinguished West Virginia colleague (Mr. BYRD) to S. 2917, to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The amendment would be on page 123 after line 23 and would add a new title VII, Coal Miners' Workmen's Compensation Improvement. Part A would be extension of the Longshoremen's and Harbor Workers' Compensation Act to employees not covered by State workmen's compensation laws. Part B would provide minimum compensation benefits for employees covered by State laws. Part C is administrative provisions. And part D is amendments to other acts.

There is Federal precedent in other Federal statute for this amendment which would extend to miners coverage for death or disability from respiratory disease. This objective would be accomplished through extension of the Federal Longshoremen's and Harbor Workers' Compensation Act to those engaged in mine work.

The States would be given 2 years to amend, revise, or otherwise modify State worker's compensation laws to provide such coverage. In the event that a State does not provide such coverage, the Secretary of Labor could provide benefits for miners under the Longshoremen's and Harbor Workers' Compensation Act.

Under this amendment, employers could provide compensation coverage through private insurance or as self insurers. The Longshoremen's and Harbor Workers' Act would be amended to provide that claims for compensation on account of death or disability resulting

from respiratory disease shall be conclusively presumed to be under the provisions of the Federal Act if a miner involved worked for at least 5 years in the coal mining industry.

The Federal statute would be amended to permit the Secretary of Labor to determine if an individual would have been entitled to compensation under State workers' compensation or under the Federal statue if this title had been in effect at the time of death or disability. This would provide compensation in those cases during the interim period between enactment and the implementation of the provisions of this title for individuals who are not eligible for compensation now.

Mr. President, I submit a section-by-section analysis of our amendment which may be offered, and ask unanimous consent that it be printed in the RECORD at the conclusion of these remarks.

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

The material referred to follows:

SECTION BY SECTION ANALYSIS

PART A

Section 701. This section would extend the coverage of the Longshoremen's and Harbor Workers' Compensation Act to any employee of any employer engaged in the coal mining industry if such employee is not covered by a state workmen's compensation law two years after the 31st day of December following the date of the enactment of the title.

Paragraph (b) of the section provides that if an employee engaged in the coal mining industry suffers death or disability as a result of a respiratory disease and the State workmen's compensation law does not contain provisions substantially the same as those contained in Section 20(b) of the Longshoremen's and Harbor Workers' Compensation Act, then the employee may elect to be covered by such Act. (Section 20 of the Longshoremen's and Harbor Workers' Compensation Act is amended by Section 341 of this title to provide compensation to coal miners suffering death or disability resulting from a respiratory disease after working five or more years in the coal mining industry.)

Section 711 provides that two years after the 31st day of December following the date of enactment of the title, every employer in the coal mining industry shall secure the payment of compensation for employees covered by a state workmen's compensation law at benefit levels not less than those prescribed by the appropriate provision of the Longshoremen's and Harbor Workers' Compensation Act either as a self-insurer or by insuring and keeping insured payment of compensation for miners with stock companies or mutual companies or State insuring funds.

Paragraph (b) of the section contains requirements for the contents of every policy or contract of insurance with respect to the payment of benefits at levels consistent with the title irrespective of the provisions of State workmen's compensation laws which may provide for lesser payments and appropriate provisions that insolvency or bankruptcy of the employer or his discharge shall not relieve the insurance carrier from payment of compensation.

Paragraph (c) of the section makes provision for notice of cancellation for the policy or contract of insurance issued by an insurance carrier under this section.

Section 712 provides for claims procedures.

Section 713 authorizes the Secretary of Labor to enter into agreements with appropriate State agencies charged with the administration of State workmen's compensation laws for utilizing the services of State and local agencies in handling and processing claims.

Section 714. This section establishes in the Treasury of the United States a separate fund to be known as the Employees' Benefit Fund for the purpose of making payments in accordance with the provision of section 722(e). Payments to the fund shall be made as follows:

"(1) The sum of $5,000 shall be paid for the death of an employee of an uninsured employer where the employee's death was due to his employment and there is no person entitled under this part to compensation for such death.

(2) All amounts collected as fines and penalties under the provisions of this part.

(3) The moneys recovered by the Secretary pursuant to Section 322.

(4) Such amounts as the Congress of the United States may appropriate from time to time."

Section 715 provides for penalties for failing to secure payment of compensation in accordance with the requirements of the Act.

Section 721 authorizes the Secretary to make necessary rules and regulations.

Section 722 provides subpoena powers for the Secretary.

Section 723 provides that nothing in the title shall be construed as repealing or modifying any other Federal law providing compensation coverage.

Section 724 specifies that unless the context otherwise requires, the Act shall take effect upon enactment and apply only to injuries which occur after its effective date.

Section 725 defines terms used in the Act.

Section 731 amends the Longshoremen's and Harbor Workers' Compensation Act to provide:

"(b)(1) In the case of a claim for compensation on account of death or disability resulting from respiratory disease if the injured employee worked for five years or more in the coal mining industry it shall be conclusively presumed that the claim comes within the provisions of this Act. This subsection shall not be deemed to affect the applicability of subsection (a) in the case of claims on account of death or disability resulting from respiratory disease when the injured employee has not worked in a mine for as much as five years.

"(2) For purposes of paragraph (1) years worked in the coal mining industry shall be determined on the basis that two hundred and forty days of work constitutes one year of work."

(b) The amendment made by this section shall apply with respect to injuries or deaths occurring after the effective date of this Act."

Section 732 adds a new section to Chapter 81, subchapter II, title 5 as follows:

"S. 8174. Respiratory disease claims.

"If the Secretary of Labor determines that (1) an individual would be entitled to compensation under a State workmen's compensation law, or under the Longshoremen's and Harbor Workers' Compensation Act, on account of death or disability resulting from respiratory disease if title VII of the Federal Coal Mine Health and Safety Act of 1969 had been in effect at the time of the death or injury, and (2) such individual is not entitled to such compensation, then the Secretary shall pay compensation to such person from the Employees' Compensation Fund at the rate and for the period he determines such individual would receive it if he was entitled to compensation under such laws. No payment shall be made under this section for any period prior to the effective date of the Federal Coal Mine Health and Safety Act of 1969. Original claims under this section shall be made within one year after such effective date, but the Secretary of Labor shall make exceptions to this requirement for reasonable cause shown. The provisions of sections 8121, 8122(b), 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, and 8135 shall apply with respect to claims under this section."

Mr. PROUTY. Mr. President, shortly I shall raise a point of order against a section of the pending legislation. Specifically, the point of order is to section 502 of the bill, which provides that each producer or importer of coal shall pay an assessment of 1 cent per ton to the United States on all coal production in or imported into this country from the operative date of this legislation until June 30, 1970. The assessment is then raised 1 cent per ton at the beginning of each succeeding fiscal year, until it reaches 4 cents per ton, commencing July 1, 1972.

The Constitution of the United States clearly and unambiguously prohibits the Senate from originating this type of legislation. The first paragraph of section 7 of article I of the Constitution of the United States of America reads as follows:

All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

So, in accordance with my previously announced intention, Mr. President, I make a point of order against section 502 of the pending bill, for the reason that it is a revenue raising measure, which, under the Constitution, must originate in the House of Representatives.

The ACTING PRESIDENT pro tempore. The Chair had been informed of the point of order.

The Chair rules that the point of order raises a constitutional question on which the Chair is not authorized to rule. Under the uniform precedents of the Senate, the Chair submits all constitutional questions to the Senate for decision, which are debatable and decided by a majority vote.

The question now is, Is it the judgment of the Senate that this point of order is well taken?

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

The ACTING PRESIDENT pro tempore. 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.

Mr. COOPER. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will resume the calling of the roll.

The bill clerk resumed and concluded the calling of the roll, and the following Senators answered to their names:

[No. 102 Leg.]

Allott	Griffin	Pearson
Bellmon	Hansen	Pell
Byrd, W. Va.	Hruska	Prouty
Cook	Kennedy	Randolph
Cooper	Long	Sparkman
Fulbright	Metcalf	Williams, N.J.

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. GORE), the Senator from

Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Utah (Mr. Moss) are necessarily absent.

I further announce that the Senator from Washington (Mr. MAGNUSON) and the Senator from Iowa (Mr. HUGHES) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Hawaii (Mr. FONG), the Senator from Idaho (Mr. JORDAN), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER) are detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is not present.

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

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

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

Allen	Gravel	Pastore
Anderson	Gurney	Proxmire
Baker	Harris	Ribicoff
Bayh	Hart	Russell
Bennett	Hatfield	Schweiker
Bible	Holland	Scott
Byrd, Va.	Hollings	Smith, Maine
Cannon	Jordan, N.C.	Spong
Case	McCarthy	Stennis
Church	McClellan	Stevens
Cotton	McGovern	Symington
Curtis	McIntyre	Talmadge
Dodd	Miller	Thurmond
Eastland	Mondale	Tydings
Ellender	Mundt	Williams, Del.
Ervin	Muskie	Yarborough
Fannin	Nelson	Young, N. Dak.
Goodell	Packwood	Young, Ohio

The PRESIDING OFFICER (Mr. SCHWEIKER in the chair). A quorum is present.

Mr. KENNEDY obtained the floor.

Mr. KENNEDY. Mr. President, I yield to the Senator from Vermont.

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

The PRESIDING OFFICER. The pending question is: Is it the judgment of the Senate that this point of order is well taken?

This point of order raises a constitutional question on which the Chair is not authorized to rule. Under the uniform precedents of the Senate, the Chair submits all constitutional questions to the Senate for decision, which are debatable and decided by a majority vote.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Mr. KENNEDY and Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. PROUTY. I am ready to vote on this matter at any time. Let us vote.

AMERICAN INDIAN DAY—1969

Mr. KENNEDY. Mr. President, today has been set aside by many States and a number of organizations as American Indian Day. It provides us with an opportunity to reflect on the important contributions of the American Indian to our society and pay tribute to the many accomplishments and rich heritage of the "first Americans."

Contrary to popular folklore, the American Indian is no longer the "vanishing American." There are now approximately 700,000 American Indians in the United States, and they are the fastest-growing ethnic group in the Nation. If we were to count all of the people with known Indian forebears, we could take pride in an "Indian population" of over 10,000,000. Despite tremendous odds and many misguided attempts by the dominant society to assimilate all Indians into the "mainstream," viable Indian communities can still be found in every State of the Union, in some cases fighting for survival, in other cases intact and flourishing. Despite the pressure to assimilate, the American Indian has retained much of his social and cultural identity. Nearly 300 Indian languages and dialects are still spoken in this country, and at least 45 of these languages are spoken by more than 1,000 Indians. At least 50 percent of the Indian children of school age still speak their native language at home and in their communities.

The oldest continually inhabited community on the North American continent exists on the Hopi Reservation in Arizona. Old Oraibi's original inhabitants date back to 500 years before the first discovery of America by European explorers. It is a thriving Indian community today, and shows every sign of continuing on for centuries to come.

From every point of view, the American Indian is the most unique of all of our citizens. He entered the New World over 25,000 years ago. Based on our present knowledge, he had populated all of the Western Hemisphere, with an extraordinary diversity of cultural groups, reaching the southern extreme of South America, more than 10,000 years ago. From the very first day of his arrival, the American Indian was confronted with the problem of adapting himself to a new and frequently hostile environment and supporting himself under these conditions. How this was accomplished has considerable relevance to our present Government policies, for the American Indian has demonstrated an extraordinary capacity for survival, adaptation, and change. Yet we tend to see Indian communities as static museum pieces, archaic anachronisms in our technological society, something for tourists to stare at and take pictures of, and as "Indian problems" for the Federal Government to solve.

Why is it that we only see poverty but fail to understand the wealth of a people who are still atuned to the beauty of nature and feel a rapport and spiritual attachment to the land they inhabit?

Why is it we only see the uncleanliness of a dirt floor hogan but never the warmth or richness of the human relationships in an extended family?

Why is it we observe only the lack of material possessions which we prize so highly and fail to understand the sense of loyalty and generosity that permits an Indian community to survive on so very little?

Why is it we see only an overcrowded Indian home, when we could observe the presence of grandparents who are still revered and have an important role to play in the raising of children?

Why is it we see only idleness and despair while we fail to understand a fierce sense of individual pride and a strong expression of autonomy and freedom?

Indeed, we have much to learn from the American Indian and his cultural differences—an interest in people rather than things, a strong feeling of belonging, of a need to share with others, of dignity in harsh circumstances, of a love for nature which is not exploitative, and of measuring a man not by what he has or looks like or says, but by what he is. These values which we are so often blind to, make middle-class America look culturally deprived.

Perhaps we should begin by assessing how much the American Indian has contributed to our society. It is a sad commentary on our present state of affairs to find out that a thorough study of the impact of Indian cultures on American society is yet to be written. The material and institutional impact of Indian culture remains inadequately understood and largely underestimated.

Much of the impact of Indian cultures has blended into our natural environment and is simply taken for granted. More than half of our states have Indian names, as do thousands of cities, towns, rivers, lakes and mountains. Americans meet in a caucus, run the gauntlet, smoke the peace pipe, hold pow wows and bury the hatchet. Settlers trekking westward followed Indian trails, which have been developed into much of our present system of national highways. In many subtle ways, Indian cultures have strongly influenced our national character—our love of athletics, our national worship of sun, air, and water, and the flowering of the Boy Scout movement.

The changes that American Indians wrought in the life of our pioneers were far more impressive and less destructive than any changes white teachers have yet brought to Indian life. The early colonists learned from the Indian how to hunt, how to farm, and ultimately how to survive in the New World. In less than a century, more than 50 new foods had

been carried back to the Old World, including maize, potatoes, pumpkins, turkey, squash, and various kinds of beans. These agricultural products had a tremendous impact on the European and eventually on the world economy. Potatoes and maize now rank second and third in total tonnage of the world's crops. Considerably more than half of our national farm produce today consists of plants domesticated by Indian botanists long before Columbus landed. And it was not only the agricultural products that the American Indian gave to the white settlers—but also the procedures for planting, irrigation, fertilization, cultivation, storage, and utilization. This in itself was an enormous contribution and one which meant survival for the white man in the New World. But this is only part of our indebtedness.

In medicine, as in the production of food and textiles, the conventional picture of the Indian as an ignorant savage is far removed from the truth. Cocaine, quinine, novocain, witch hazel, and many other drugs were developed and used by the Indian before Columbus landed. In the 400 years that physicians and botanists have been examining and analyzing the flora of America, they have not yet discovered a medicinal herb unknown to the Indians.

The social significance of such material contributions is impressive, but the Indian gave more in the realm of the intangible. The distinctive political ideals of young America owed much to a rich Indian democratic tradition—a debt often recognized by statements of our leading colonists. The pattern of States within a State that we call federalism, the habit of treating chiefs as servants of the people instead of masters, the insistence that the community must respect the diversity of men and their dreams—all these things were part of the American way of life before 1492.

Franklin carried his admiration for the Iroquois Confederacy to the Albany Congress, and Jefferson made numerous references to the freedom and democracy of Indian society which achieved the maximum degree of order with the minimum degree of coercion. The late Felix Cohen, noted legal scholar and Indian authority, remarked:

> Those accustomed to the histories of the conqueror will hardly be convinced, though example be piled on example, that American democracy, freedom, and tolerance are more American than European, and have deep aboriginal roots in our land.

One of the most remarkable examples of adaptation and accomplishment by any Indian tribe in the United States is that of the Cherokee. Anyone who doubts the capacity of Indian communities for constructive change and self-determination should take cognizance of this accomplishment.

In 1820, the Cherokee Nation established a government of laws. They adopted a constitution, patterned after that of the United States, which provided for courts, representation, and jury trials. Their constitution gave the national council authority to remove the principal chief for disability and gave the vote to all those over 18 years of age.

They divided their nation into eight districts, and each district was entitled to send four representatives to New Echota, the capital of the nation. The national committee and the national council served as an upper and lower house whose members were elected by their constituents. Each district had a judge, a marshal, and a council house where meetings were held twice a year. Laws were passed for the collection of taxes and debts, for repairs on roads, for licenses to white persons engaged in farming or other businesses in the nation, for the support of schools, and for the regulation of the liquor traffic. The system compared favorably with that of the Federal Government and any State government then existent. After the Cherokee institutions were destroyed and they were forcefully removed from Georgia and resettled west of the Mississippi, another national convention was called, and a new constitution adopted. The institutions were reestablished and flourished until Oklahoma became a State in 1906 when they were again abolished.

Equally as remarkable was the development of an extensive educational system of high quality and accomplishment. Funded largely by moneys received from the Federal Government as a result of ceding large tracts of land in 1819, 1828, 1835, and 1866, the school system flourished until 1903 when it was taken over by the Federal Government. It is estimated that the Cherokee Nation invested up to 50 percent of its annual budget in operating its school system.

Two things were provided for in the treaty of 1828 which had tremendous implications for the development of the Cherokee school system and are unique in the history of Indian education in this country. The treaty provided $500 for the use of George Guess, better known as Sequoyeh or the inventor of the Cherokee alphabet and syllabary. In addition, $1,000 was provided for the purchase of a printing press. The remarkable consequences of these two provisions was that the Cherokees were 90 percent literate in their native language in a period of several years and in the late 1880's, had a much higher English literacy level than the white population of either Texas or Arkansas. Until the late 1890's, both the Cherokee and Choctaw Nations operated very extensive and highly successful school systems—well over 200 schools and academies—sending numerous graduates to enter eastern colleges. These school systems, until they were abolished in 1906, were clearly the finest west of the Mississippi.

In addition the Cherokee published a bilingual newspaper beginning in 1828 and continuing until 1903. The paper was originally called the Cherokee Phoenix. The name had been carefully chosen to symbolize that day when according to the first editor.

> All Indian tribes of America should arise, Phoenix-like, from their ashes, and when the terms "Indian deprivation," "war whoop," "scalping knife," and the like, shall become obsolete and forever be buried deep under the ground.

Unfortunately, as one surveys the present status of the American Indian, we have not yet arrived at a Federal Government policy enlightened enough to foster the regeneration of Indian communities, the elimination of Indian poverty, or a citizenry well enough informed to set aside the stereotypes and prejudices of the past.

For example, the Subcommittee on Indian Education visited the Cherokee in east Oklahoma in February of 1968. We found family after family with annual incomes of less than $1,000. In Adair County, which has the largest Indian population, we found 90 percent of the Cherokee families living on welfare. In McCurtain County, which has the largest Choctaw Indian population, we found 99 percent of the families living below the poverty line.

In subcommittee hearings, we were told that the dropout rate of Cherokee Indian children in public schools was running as high as 75 percent. We were informed that the median number of school years completed by adult Cherokees was 5.5 and that 40 percent of the adult Cherokees were functionally illiterate in English. Contrasted with the magnificant self-generated accomplishments of the previous century, the Cherokee have suffered a severe decline.

This example does not stand by itself, it is in fact typical of the poverty and educational failure that can be found in Indian communities across the country. The national statistics are well known and need not be repeated, but their implications are clear—the "first American" is the "last American" today in terms of housing, health, income, education, and an equal opportunity to share in the material wealth of our Nation. My brother, the late Senator Robert F. Kennedy, has called this a national tragedy and a national disgrace. Clearly, it can no longer be tolerated by the wealthiest nation in the history of the world, and the one most deeply devoted to cultural pluralism and individual freedom. Where have we failed?

The essential failure, I believe, has been a failure of national policy. Through all of our history, states as well as the Federal Government have been frustrated with respect to solving the problems of the American Indians. We have vacillated between: First, the policy of starving the Indians into throwing in the sponge and "getting lost" in the general population; and second a "kinder" policy of helping them to get themselves ready to leave Indian ways and get lost in the general population.

In either case, they would then be off our consciences and finally out of our pocketbooks. Both policies have failed.

It is a challenge which has never been met in the United States to help the Indians to adjust economically and socially to American life, so that they actually become financially independent. We cannot begin to solve the problem unless we first recognize that Indians have a right to make this adjustment as Indians. What folly it has been to demand that Indians cooperate in plans for making them something other than they want to be. What an interesting experiment, on the other hand, once the block is removed, to develop with them ways toward that greatest freedom which comes with economic independence.

The present policy, aimed at the disappearance of the Indians, is a double-edged sword. On the one side there is a nauseating paternalism. Indians get help from the Government because, since we destroyed their means of livelihood, they need it; and it is our moral obligation to continue this help until we and they are wise enough to make them once again independent. But meanwhile, the Indian Bureau, like any overprotective parent, demands that the Indians manage their own affairs; but, on the grounds that they do not know how, never lets them try, and becomes sure more than ever that they are incompetent to do so. They say, in effect, that as long as we pay the bills, we shall manage your communities. If you think you are competent to manage your own affairs, then cut yourselves off from the financial assistance as well. Money to live on, or freedom; you cannot have both, so take your choice.

We need an entirely new approach. We need to separate the two problems of the money which the Indians need for their community services from the way the money is used.

Nobody should ever again interpret our policy as one which is importantly influenced by a desire to save money to the detriment of Indians and in violation of our traditional and moral obligations. It has been and should be our policy to make it unnecessary to provide special services, hence to make Indians independent. But until this is accomplished, the money should be provided because it is needed and because it is right. But this money should be spent by the Indians, for themselves, rather than for the Indians by bureaucrats.

Throughout the 1960's we have been groping toward a more enlightened national policy, but the result can be measured largely in terms of words not action. Numerous studies, task force reports, and commissions have come forth with their "final solution" for the Indian problem, but the crucial ingredient that has always been missing is Indians speaking for themselves about what is wrong, what they want and need, and what our policy should be. On numerous occasions, the Federal Government has suffered the embarrassment of putting forward grand schemes to solve the Indians problems without really permitting the Indian to determine these policies and programs for himself. This is not only a hypocritical national charade which breeds cynicism and frustration on both sides but also, more important, a perpetuation of our accumulative failures.

The question that needs to be answered is whether or not this Nation has reached a sufficient stage of maturity and self-awareness to recognize its failure and to call upon a strength of intellect, conscience, and vision, to permit the prophecy of the Cherokee Phoenix to come true.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. HOLLAND. Mr. President, I would like to address a question to the acting majority leader. Is it the intention of the acting majority leader to allow a vote to take place this afternoon?

Mr. KENNEDY. Mr. President, the Senate will come to a vote, as at other times, in accordance with its procedures and according to its rules. This matter is now open for debate and discussion which, under the rules, may be unlimited. The position of the distinguished Senator from Vermont is understood. We are trying to work out an agreement. The solution is not yet clear. Senators on both sides of the aisle may wish to speak on the matter, and they will have an opportunity to do so.

Mr. HOLLAND. Mr. President, if I may express the opinion of one Senator, I think it would be very unfortunate to have a bare quorum of 51 Senators pass on a point of order addressed to a constitutional question which, as I understand from the Parliamentarian, differs in some degree from any such question that has been offered heretofore.

Without expressing any commitment one way or another, after reading section 502 of the pending measure, it seems to me the question of whether or not the point of order is well taken depends entirely on whether the assessment mentioned in that section is a tax and is a revenue measure as defined by the Constitution. Surely, that is a matter of sufficient importance that it should be addressed to the consciences of the full Senate, or as near a full Senate as could be here at a regular session, and not on a late Friday afternoon.

I would hope that there would be no intent to have a vote this afternoon, and if necessary and if there are other Senators who would like to debate this matter, the Senate would give permission to the Senator from Vermont to withdraw his point of order and renew it Monday, when the Senate will be in session with a substantially full membership here. I would very much dislike to see this point of order decided by a bare quorum of the Senate.

Mr. RANDOLPH. Mr. President, I send to the desk an amendment, which I intend to offer for myself, my colleague from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. WILLIAMS), the Senator from New York (Mr. JAVITS), and the Senator from Texas (Mr. YARBOROUGH).

It would be an amendment—possibly it may be offered—to S. 2917, aimed at the problem of providing benefits to coal miners, together with their dependents, who are totally disabled from complicated pneumoconiosis—black lung—resulting from their employment in the coal mines, and who are no longer gainfully employed.

It does not apply to active coal miners. It provides temporary disability benefits for these inactive coal miners and their dependents. It is aimed at an emergency situation since present State laws do not provide these benefits. This temporary measure would utilize half of the funds which woud be received in the trust fund intended to be established under this bill, as well as direct appropriations for making grants to the States to pay benefits in accordance with standards to be established with the Secretary of Health, Education, and Welfare. At the same time, I stress, the proposed amendment recognizes that more information is needed on this problem of disability from complicated pneumoconiosis, and it would direct that a study to be completed in a year, thereby enabling the Congress to review the entire matter and to consider alternative methods or other approach options.

This interim proposal also would enable the States to act during the interim period to develop their own programs along conventional lines for providing compensation, both relating to active and inactive miners.

The amount of the benefits would be determined in accordance with a formula described in the amendment proposal. It would establish benefits for a totally disabled miner at 50 percent of the minimum amount payable to a Federal employee at a G–2 level under the Federal Employment Compensation Act. This benefit would be increased percentagewise depending on the number of dependents. In addition, it would provide a similar benefit to the widow and children of such a miner.

Mr. President, the RECORD will disclose that yesterday, my able colleague from West Virginia (Mr. BYRD) discussed these problems of compensation. They are very real problems. We have a bill which we have jointly sponsored. S. 1716 was introduced in the Senate March 27, 1969.

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

The PRESIDING OFFICER. The Senate will be in order. The Senator from West Virginia has the floor.

Mr. RANDOLPH. There has been a continuing dialog on this very important subject of crippling black lung disease which has afflicted many of the coal miners of the United States of America.

Can we do something on an interim basis? On a more permanent basis? These are matters of real concern.

The House Education and Labor Committee's bill, as we understand it, approaches this matter, and what we are doing and what the House of Representatives does will, of course, be a matter for conference on the mine health and safety legislation.

I wish to emphasize that the amendment which has been authored by those of us who have joined in its sponsorship is one that may or may not be considered formally in the Senate, but it is one that we think should be made part of the RECORD. It can thus be studied by our colleagues who, we believe, are intensely interested in this subject matter, including, as it does, not only health and safety but the compensation of needy miners not now active who have contracted black lung disease.

I am in full accord with the position taken by our distinguished colleague from Florida (Mr. HOLLAND) that this pending business is, of course, a complicated measure. He has not used that exact language, but now a constitutional

point is raised concerning the research trust fund financing feature of S. 2917. There are Senators who, I know, will wish to be present as we discuss that matter and as we discuss the matter of compensation in one form or another, and the approach that we shall take to it. I think that the Senate, in the final analysis, will commit itself to what I believe will be well-reasoned legislation on the overall subject of mine health and safety, and compensation possibilities for the sufferers of respiratory disease occupationally associated.

I am now associated with two potential approaches to the compensation area of consideration. I placed another proposal at the desk earlier. So we will have at least two, and possibly other, amendments on the issue to study and choose between. I believe it is good that we have alternatives to consider and choose between.

Mr. President, I feel that any legislation we pass must be realistic and workable, but legislation which will come to grips with the problems of the health and safety of our miners. Although I have never felt we should legislate under what one might call the heat of emotion, there are elements of compassion which surely will enter into the feelings of Senators who are attempting to cope with this very compelling problem.

The PRESIDING OFFICER. Without objection, the amendment will be received and printed, and will lie on the table.

Mr. KENNEDY. Mr. President, I wish to respond to the inquiry earlier of the distinguished Senator from Florida (Mr. HOLLAND) about whether a vote will take place this afternoon.

It is not our intention to have any vote this afternoon. It is the present intention of the leadership, after such time as Senators desire, for any other additional speeches or entries into the RECORD, to move that the Senate stand in adjournment; and under the previous order, we will meet at noon on Monday next.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator.

Mr. KENNEDY. At that time, with the concurrence of the floor manager of the bill and the leadership, and those who have amendments, it may be that unanimous-consent request can be propounded.

Mr. GRIFFIN. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. GRIFFIN. A Senator with a special interest in this matter finds it very difficult to be here on Monday, when the matter would be brought up. There has been some discussion that there might be a possibility of laying the point of order aside temporarily and having it be the pending business on Tuesday, and that we might proceed to consider some other amendment or amendments in the interim.

The Senator from Kentucky (Mr. COOPER), for example, has an amendment that he would like to offer. If that would be convenient to all Senators, that would be a way of cooperating with the Senator in question. Obviously, if there is any objection or inconvenience to anyone else, of course, we would not be able to do that.

Mr. KENNEDY. We have tried, at times in the past, to make such adjustments and accommodations in situations of this nature. Given the present circumstances, however, I think it would be difficult at this time to get an agreement for a specified time. I think this may be a close, difficult question that the Senator from Vermont has raised. We will have to move for adjournment when no other Senator desires to speak, and leave this unfinished business at the conclusion of the morning hour on Monday.

Mr. PELL. Mr. President, will the Senator from Massachusetts yield, for clarification?

Mr. KENNEDY. I yield.

Mr. PELL. Can any indication be given to us as to when the first vote might come on Monday?

Mr. KENNEDY. No, we could not give any assurance on that.

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

Mr. KENNEDY. I yield.

Mr. HOLLAND. As I understand it—and I should like to be confirmed on this point, or corrected—the point of order is debatable, is it not?

Mr. KENNEDY. That is correct.

Mr. HOLLAND. And we do not know how long that debate will require.

Mr. KENNEDY. The Senator is correct.

MINE SAFETY—LONG OVERDUE

Mr. YARBOROUGH. Mr. President, it is only recently that the phrase "black lung" has become a household word in America. But the killing and maiming of coal miners underground is as ancient as coal mining. We in the United States have lived with it for generations. Coal miners and their families live with the prospects of injury, disability, and death every day of their lives.

I am proud, as we all must be, to be able to rise in support of S. 2917, the coal mine health and safety bill, which offers the promise of healthy mines and safe mines to our Nation's coal miners.

The bill, S. 2917, not only provides for the health and safety needs of today, it establishes an administrative framework for assuring continued improvement of conditions and practices in order to assure that the miners can work their entire adult lives without the ever-present fears of mine hazards. For, today, the bill promulgates interim health and safety standards. As the Senator from New Jersey (Mr. WILLIAMS) has indicated, these standards do not provide complete protection against health and safety hazards, although they do provide new and significantly improved measures to combat death and injury. Because of the inexplicable failure of both the industry and Government over the years to take all necessary steps to apply existing technology to the health and safety of the industry, and to develop its technology to overcome the hazards, a comprehensive and costly research program must be undertaken. The legislation mandates that this be done, and that it be done without delay. Furthermore, those charged with the administration of the law are directed to promulgate as early as possible improved standards so that the health and safety of the miners can be insured.

I know that the members of the Committee on Labor and Public Welfare, whether from coal-producing States or otherwise, have labored tirelessly in order to present to the Senate the most effective possible legislation. I know that the members of the committee who are from coal-producing States, lent the guidance of their special knowledge to their colleagues, and thus enabled the committee to report out a workable piece of legislation.

I know that my colleague from New Jersey, Senator HARRISON A. WILLIAMS, has devoted endless hours, days, and weeks; first, to the preparation of this complicated legislation, and then to the painstaking chore of guiding it to the Senate floor.

Mr. President, we have here the results of his work. They consist of five volumes of hearings on this matter, five separate parts, to complete the hearings on this important bill. His leadership, as chairman of the Labor Subcommittee, as chief sponsor, and as floor manager of this legislation, has been most effective. Although Senator WILLIAMS is not from a coal-producing State, it has been his guiding hand which has brought the legislation through 9 days of hearings and a dozen subcommittee and committee executive sessions to this point of being reported to the Senate by a unanimous rollcall vote of the Committee on Labor and Public Welfare.

Mr. President, the pending bill is brought to the floor of the Senate through the great leadership of the Senator from New Jersey by a unanimous rollcall vote. And every member of both political parties voted for it. I know that his leadership on this bill will prove as effective as was his leadership on the construction health and safety bill signed into law by the President on August 9.

I would also like to note my great appreciation to the two men who are not only ranking majority and minority members of the Labor and Public Welfare Committee, they are also the ranking members of its Labor Subcommittee.

The Senator from West Virginia (Mr. RANDOLPH) as ably as in all legislation, but especially on coal mine health and safety, has brought to the subcommittee and committee his special knowledge of the coal mining industry and of the needs of the miners. Despite his other major responsibilities, he has devoted endless hours and days to the goal of enacting this legislation to benefit the miners and the industry.

The Senator from New York (Mr. JAVITS), like the subcommittee chairman, and like myself, is not from a major coal-producing State. Yet, he has tirelessly worked toward the drafting and passage of the legislation to improve the health and safety of working men. He has devoted himself to ensuring the speedy enactment of a comprehensive and effective Coal Mine Health and Safety Act.

As chairman of the Labor and Public Welfare Committee, I fully appreciate the assistance of such able and dedicated colleagues without whose efforts the Senate would not be considering this legislation today.

Mr. President, I express my appreciation and pay my compliments to the members of the committee. I pay tribute to the great dedication of the present Presiding Officer, the Senator from Pennsylvania (Mr. SCHWEIKER), who was present and helped to make a quorum every time. We were able to make quorums through the presence of the distinguished Senator from Pennsylvania.

Mr. President, our work throughout the course of this difficult legislation has been, I think, a tribute to the committee. Many people had said that due to the differences of opinion, we would not be able to report a bill. However, we brought out a comprehensive bill that will do a great deal of good in this field of safe mines and safety for the workers. It is the most comprehensive coal mine safety legislation in the history of our country.

After days of work in an effort to report the bill, when the chips were down the members of the committee on both sides of the aisle voted for the measure.

I pay tribute to the present chairman of the subcommittee, the distinguished Senator from New Jersey, who worked throughout four volumes of testimony and an appendix volume, in addition, and was there many days. We spent many days, as the Presiding Officer knows, in executive hearings.

I extend my thanks to our colleagues whose effort brought forth the legislation we are considering today.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. WILLIAMS of New Jersey. Mr. President, I express my deep gratitude to the Senator from Texas for his personal references to me.

I emphasize, however, that the subcommittee has received more than full cooperation from the Senator from Texas, our distinguished committee chairman.

I think the chairman of our committee, the Senator from Texas, would agree that the committee has a broad range of matters before it. And as a committee, working with its subcommittee, it has been working with full steam ahead.

We hear some comments from some quarters that not much is being done in Congress. With reference to the work of our Committee on Labor and Public Welfare, is it the feeling of the Senator from Texas that a great deal of work is being done in the full committee to meet the needs of our country through our responsibility as members of that committee?

Mr. YARBOROUGH. Mr. President, I do not know of any member of the Committee on Labor and Public Welfare who thinks that not much is being done. If there is someone, I wish he would give me his name, and I will give him a number of additional assignments.

We have executive hearings scheduled 2 and 3 weeks ahead for every day beginning next week. We are going to work day after day on the hearings in the mornings.

We have been in hearings in different subcommittees. I have not had the information compiled, but I do not think there has been a day for 1 month that the Committee on Labor and Public Welfare or some of its subcommittees have not been holding hearings or having executive sessions.

Mr. WILLIAMS of New Jersey. Mr. President, I do not like to make public complaint or lament, but I will state the fact—and it is a fact that should be known—that many times the subcommittee of which I have the honor to be chairman has extended an invitation to the responsible members of the executive department to come before the subcommittee and state their business. We have been postponed and delayed. We have been on again and off again.

If there is any complaint that I have, it is about the failure of so many of those in positions of responsibility in the executive department to come before us and give us the help we must have on the legislation pending before us.

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

Mr. WILLIAMS of New Jersey. I yield.

Mr. SCOTT. Mr. President, I repeat one more time that more than 100 bills of substance are pending in committee.

It is my sincere hope that the committees will stop their foot-dragging and report the bills.

Mr. WILLIAMS of New Jersey. Mr. President, that is all I am asking for. All I am asking for is their cooperation. I could name the measures on which we have not had cooperation, if the Senator desires. We do not know where we want to go.

Mr. SCOTT. Mr. President, with the greatest respect to the Senator, I must again point the arithmetic of the equation to the fact that the majority controls all committees in the Senate and in the House of Representatives. The chairmen have often been able to work their will. The majority control. And, of course, that is reflected in the fact that whenever a committee wants to report a bill, they can do so. I do want to assure all Senators that we Republicans will do our duty by the legislation, and we are most anxious to cooperate; and I particularly want to congratulate the majority for its recent and belated spurt of activity.

Mr. WILLIAMS of New Jersey. I think we should stop right there. I am not the leadership.

Mr. SCOTT. I do not want to take advantage of the Senator. I want the Senator to know it was not critical of him.

Mr. YARBOROUGH. Mr. President, the distinguished Senator from Pennsylvania is not a member of our committee. Still, I do not believe he complained to me of any inactivity. We have 61 education bills pending. We have had one report from the Department of Health, Education, and Welfare out of 60 pending bills. We have submitted these bills. The executive department has given us a report on one bill. We have 69 health bills. We have had reports from the Executive on 11.

Mr. SCOTT. I could never be critical of the distinguished Senator from Texas for his energy and his activity, for his effectiveness in bringing out the bills; and I would urge him to continue on his usual effective course; and I say again we will always be glad to cooperate—we in the minority.

Mr. YARBOROUGH. I will say to the distinguished Senator from Pennsylvania that we have had a bipartisan effort in the Committee on Labor and Public Welfare in bringing the safety construction bill to the floor and also the mine safety bill. There have not been obstructionist tactics in the minority, but we had great diligence. We had to call the committees; we had to get the quorums; we had to hold the hearings. While we did have the cooperation of the minority, we were under the leadership of the able chairman of the subcommittee, and we were driving forward all the time. We have not been dragging our feet.

Mr. SCOTT. I would indeed be in the depths of misery were the Senator from Texas and I to have any disagreement on any matter.

Mr. YARBOROUGH. I thank my distinguished colleague. He and I served together for 7 years on the Committee on Commerce, and I left that committee only because of appointment to the Committee on Appropriations. It was a great pleasure to serve with him.

Mr. SCOTT. I thank the Senator.

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

LET US NOT AID THE ENEMY

Mr. HANSEN. Mr. President, statements have been made to the press, and on the floor of this Chamber recently, that most Americans feel have strengthened the resolve of the enemy—that enemy being the Vietcong, who are killing American men on the battlefields of South Vietnam, and the North Vietnamese Regular Army who are killing American men on the battlefields of South Vietnam.

There has been much criticism of America's role in seeking world stability through efforts to establish stability in Asia. We have heard the war in Vietnam called, variously, "Kennedy's war," then "Johnson's war," and now "Nixon's war," by some who feel President Nixon is not entitled to more than a few months to end a war which his predecessors could not bring to a halt in a number of long years. This sort of labeling has made a few people forget who the enemy is. Our soldiers, sailors, marines, and airmen are in a war that is very real to them. And they are in a war with the Army of North Vietnam, even though there has been no official declaration of war by the United States on North Vietnam, and no invasion of the hostile nation that is supplying most of the troops who kill our men.

The many men I have talked with who have been in Vietnam carrying the bur-

den of the fighting—from generals to privates—know who the enemy is. They know who is committing the atrocities in the murder of innocent women and children, and they know who is the invader. They know this enemy is North Vietnam and that country's Communist agents in South Vietnam who are called the Vietcong. The American men in uniform are proud to fight for the right of self-determination and the right to peace for the South Vietnamese people against the murderers of the North. None has objected to me about the principle of American involvement in Vietnam—the principle to prove to the Communists that their Iron and Bamboo Curtains will not be allowed to expand through use of military might—that communism will not have the right to advance by means of a purge by murder of all who stand in its way.

I speak specifically today of the proposed Vietnam Disengagement Act of 1969. In effect it proposes a timetable for American disengagement in Vietnam. In effect it tells the Communist enemies that if they will stubbornly refuse to negotiate for an end to the bloodshed in Vietnam until December 1, 1970, American forces will no longer stand between them and conquest of South Vietnam and their final solution—annihilation of all those who have opposed the Communists.

If there was promise of progress at the negotiating table in Paris, if there was hope of settlement through words rather than bullets, this proposal has at the very least advised the Communist negotiators to reconsider any sort of compromise and to wait and watch and hope that such a deadline for total American withdrawal will be set.

The fighting men of America who have returned from Vietnam and with whom I have talked have one main and persistent objection to their personal involvement in this war.

They choose to relate it to the sport of football. That game cannot be won if you refuse to cross the 50-yard line. And that game also cannot be won if you tell the opposition at half-time that your team will leave the field before the final quarter.

The same is true of telling North Vietnam that America will quit the war by December 1, 1970. Such action would tell the enemy that they will win, and it will strengthen their will to continue.

The Vietnam Disengagement Act should be defeated resoundingly so that the enemy will not be deceived about American determination, so that they will know the United States is united, so that they will harbor no false hopes of total American withdrawal and desertion of the cause for which so many fine young men have already died.

Let us defeat this proposal and all those like it so that the enemy will know, without the shadow of a doubt, where we stand.

We must not aid the enemy.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 29, 1969

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 8 minutes p.m.) the Senate adjourned until Monday, September 29, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate, September 26, 1969:

ATOMIC ENERGY COMMISSION

Carl Walske, of Virginia, to be Chairman of the Military Liaison Committee to the Atomic Energy Commission.

NATIONAL LIBRARY OF MEDICINE

Jack Malcolm Layton, of Arizona, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for a term expiring August 3, 1973, vice Dr. Stewart G. Wolf, Jr., term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 26, 1969:

GENERAL ACCOUNTING OFFICE

Robert F. Keller, of Maryland, to be Assistant Comptroller General of the United States for a term of 15 years.

RENEGOTIATION BOARD

Daniel Eldred Rinehart, of Maryland, to be a member of the Renegotiation Board.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Eugene A. Gulledge, of North Carolina, to be an Assistant Secretary of Housing and Urban Development.

IN THE AIR FORCE

The following officers for appointment in the Air Force Reserve, to the grade indicated, under the provisions of chapter 35 and sections 8373 and 8376, title 10, of the United States Code:

To be major general

Brig. Gen. Joe M. Kilgore, [redacted], Air Force Reserve.
Brig. Gen. Rollin B. Moore, Jr., [redacted], Air Force Reserve.
Brig. Gen. Gwynn H. Robinson, [redacted], Air Force Reserve.
Brig. Gen. John H. Stembler, [redacted], Air Force Reserve.

To be brigadier general

Col. William H. Bauer, [redacted], Air Force Reserve.
Col. Gerald A. Hart, [redacted], Air Force Reserve.
Col. Ralph G. Hoxie, [redacted], Air Force Reserve.
Col. Michael J. Jackson, [redacted], Air Force Reserve.
Col. Duncan N. P. Pritchett, [redacted], Air Force Reserve.
Col. Robert W. Valimont, [redacted], Air Force Reserve.
Col. Alfred Verhulst, [redacted], Air Force Reserve.

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10, of the United States Code:

To be major general

Brig. Gen. George W. Edmonds, [redacted], California Air National Guard.

To be brigadier general

Col. Ralph W. Adams, Sr., [redacted], Alabama Air National Guard.
Col. Rollin M. Batten, Jr., [redacted], Nebraska Air National Guard.
Col. Nowell O. Didear, [redacted], Texas Air National Guard.
Col. William C. Smith, [redacted], Tennessee Air National Guard.
Brig. Gen. James S. Cheney, SSAN [redacted] FR to be the Judge Advocate General, U.S. Air Force, and appointment to the temporary and permanent grade of major general, under the provisions of section 8072 and chapter 839, title 10 of the United States Code.

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3384:

To be major general

Brig. Gen. Raymond E. Mason, Jr., SSAN [redacted].

To be brigadier general

Col. Cullen U. Gulko, SSAN [redacted], Transportation Corps.
Col. George F. Hamner, SSAN [redacted], Corps of Engineers.
Col. Russell T. LeBlanc, SSAN [redacted], Corps of Engineers.
Col. Sterling R. Ryser, SSAN [redacted], Military Intelligence.
Col. Frederick W. Wunderlich, SSAN [redacted] Corps of Engineers.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be major general

Brig. Gen. Daniel K. Edwards, SSAN [redacted].

To be brigadier general

Col. William M. Buck, SSAN [redacted], Infantry.
Col. Joseph R. Chappell, Jr., SSAN [redacted] Field Artillery.
Col. Austin C. Chidester, Jr., SSAN [redacted] Air Defense Artillery.
Col. George H. Dale, SSAN [redacted], Signal Corps.
Col. James R. Duren, Jr., SSAN [redacted] Infantry.
Col. Joseph B. Flatt, SSAN [redacted] Infantry.
Brig. Gen. Robert R. Goetzman, SSAN [redacted] Adjutant General's Corps.
Col. James W. Henderson, SSAN [redacted] Air Defense Artillery.
Col. Vernon B. McMillen, SSAN [redacted] Infantry.
Col. William R. Sharp, SSAN [redacted], Armor.
Col. John F. S. Sims, SSAN [redacted], Transportation Corps.
Col. Clarence A. Wilson, SSAN [redacted], Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. Robert L. McCrady, SSAN [redacted], Infantry.
Col. Wilfred C. Menard, Jr., SSAN [redacted] Field Artillery.
Col. Carl F. Schupp II, SSAN [redacted], Field Artillery.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. George Gray O'Connor, [redacted] U.S. Army.

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the

provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Robert Clinton Taber, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Carmin Noble, xxx-xx-x... xxx-... Army of the United States, colonel, U.S. Army).

Brig. Gen. James Francis Hollingsworth, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Burnside Elijah Huffman, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Warren Kennedy Bennett, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Reiley Guthrie, xxx-xx-xxxx xxx-x... Army of the United States, (colonel, U.S. Army).

Brig. Gen. Edwin I. Donley, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Matthew Rienzi, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Felix John Gerace, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Harwell Barfield, xxx-... xxx-xx-xxxx Army of United States (colonel, U.S. Army).

Brig. Gen. Edward Michael Flanagan, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Bernard William Rogers, xxx-... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Allen Mitchell Burdett, Jr., xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Albert Broadus Dillard, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Logan Irby, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard McGowan Lee, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Daniel McLaughlin, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. George Mayo, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert Hamman Smith, Jr., xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Stephan Lekson, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Franklin Milton Davis, Jr., xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Leo Edward Benade, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Theodore Antonelli, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Bennison Fulton, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. James George Kalergis, xxx-... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Erwin Montgomery Graham, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Harry Lee Jones, Jr., xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Paul Young xxx-xx-xxxx- xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Joseph Hennessey, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Darrie Hewitt Richards, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Howard Harrison Cooksey, xxx-... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Verne Lyle Bowers, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Warren Cobb, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Fred Kornet, Jr. xxx-xx-xxxx, Army of the United States (major, U.S. Army).

Brig. Gen. Harold Gregory Moore, Jr., xxx-... xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. George William Casey, xxx-xx-x... xxx-... Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Alexander Russell Bolling, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. William Love Starnes, xxx-xx-xx... xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Howard Elder, Jr., xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Edward Pieklik, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Leo Edward Benade, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Logan Irby, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Carmin Noble, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. George Mayo, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Felix John Gerace, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Franklin Milton Davis, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. George Samuel Beatty, Jr., xxx-... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Clinton Taber, xxx-xx-xx... xxx-... Army of the United States (colonel, U.S. Army).

Maj. Gen. Paul Alfred Feyereisen, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert Hamman Smith, Jr., xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard George Ciccolella, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. James Francis Hollingsworth, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. Wesley Charles Franklin, xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. Edwin I. Donley, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Warren Cobb, xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. Edwin Montgomery Graham, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Harwell Barfield, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. John Daniel McLaughlin, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard McGowan Lee, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Jack Jennings Wagstaff, xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. Warren Kennedy Bennett, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Maj. Gen. Harris Whitton Hollis, xxx-xx-xx... xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Stephan Lekson, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Albert Broadus Dillard, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Paul Young, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Francis Paul Koisch, xxx-xx-xxxx xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Matthew Rienzi, xxx-... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Willis Dale Crittenberger, Jr., xxx-xx-xxxx Army of the United States (colonel U.S. Army).

Maj. Gen. Kenneth Lawson Johnson, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Maj. Gen. Donald Hugh McGovern, xxx-x... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Edward Pieklik, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. William Love Starnes, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Elvy Benton Roberts, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. William Bennison Fulton, xxx-... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Harry Lee Jones, Jr., xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. James George Kalergis, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Leonard Burbank Taylor, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

The following-named officers for temporary appointments in the Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. Thomas McKee Tarpley, xxx-xx-xxxx, U.S. Army.

Col. John Willson Donaldson, xxx-xx-xxxx, U.S. Army.

Col. Ira Augustus Hunt, Jr. xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frederick James Kroesen, Jr., xxx-xx-x... xxx... U.S. Army.

Col. Ernest Graves, Jr. xxx-xx-xxxx, U.S. Army.

Col. Herbert Joseph McChrystal, Jr., xxx-... xxx-xx-xx... Army of the United States (lieutenant colonel, U.S. Army).

Col. Alexander Meigs Haig, Jr., xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Shipley Prugh, Jr., xxx-xx-xxxx xxx-... U.S. Army.

Col. Frank Ambler Camm, xxx-xx-xxxx, U.S. Army.
Col. William Roy Wolfe, Jr., xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Robert Morin Shoemaker, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Adrian St. John II xxx-xx-xxxx, U.S. Army.
Col. Charles Robert Myer, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Gordon James Duquemin, xxx-xx-xxxx xxx-... Army of the United States (lieutenant colonel, U.S. Army).
Col. Henry Everett Emerson, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Herbert Ardis Schulke, Jr., xxx-xx-xx... xxx-... Army of the United States (lieutenant colonel, U.S. Army).
Col. Charles James Simmons, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Harold Ira Hayward, xxx-xx-xxxx, U.S. Army.
Col. Thomas Joseph McGuire, Jr., xxx-xx-x... xxx-... U.S. Army.
Col. John Quint Henion, xxx-xx-xxxx, U.S. Army.
Col. Charles Austin Jackson, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Charles Echols Spragins, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Robert Neale Mackinnon, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. George Magoun Wallace II, xxx-xx-xxxx xxx-... Army of the United States (lieutenant colonel, U.S. Army).
Col. Henry Richard Del Mar, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. William Randolph Bigler, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. DeWitt Clinton Smith, Jr., xxx-xx-xxxx xxx-... Army of the United States (lieutenant colonel, U.S. Army).
Col. Edward Bartley Kitchens, Jr., xxx-xx-x... xxx-... U.S. Army.
Col. Jonathan Rowell Burton, xxx-xx-xxxx, U.S. Army.
Col. Thomas Wilson Brown, xxx-xx-xxxx, U.S. Army.
Col. Archelaus Lewis Hablen, Jr., xxx-xx-x... xxx-... U.S. Army.
Col. Harold Robert Aaron, xxx-xx-xxxx, U.S. Army.
Col. James Bradshaw Adamson, xxx-xx-xx... xxx-x... U.S. Army.
Col. Robert Leahy Fair, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Wilbur Henry Vinson, Jr., xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. George Smith Patton xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. John Royster Thurman III, xxx-xx-xxxx xxx-x... Army of the United States (lieutenant colonel, U.S. Army).
Col. Kenneth Trevor Sawyer, xxx-xx-xxxx, U.S. Army.
Col. John Einar Murray, xxx-xx-xxxx, U.S. Army.
Col. Edwin Thomas O'Donnel, xxx-xx-xxxx, U.S. Army.
Col. Kenneth Banks Cooper, xxx-xx-x... xxx, U.S. Army.
Col. Lawrence McCeney Jones, Jr., xxx-xx-x... xxx-... Army of the United States (lieutenant colonel, U.S. Army).
Col. Rolland Valentine Heiser, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Harry Ellsworth Tabor, xxx-xx-xxxx, U.S. Army.
Col. William Holman Brandenburg, xxx-... xxx-xx-x... U.S. Army.
Col. Harold Burton Gibson, Jr., xxx-xx-xxxx xxx-... Army of the United States (lieutenant colonel, U.S. Army).
Col. John Alfred Kjellstrom, xxx-xx-xxxx, U.S. Army.
Col. Peter George Olenchuk, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Charles Maurice Hall, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Daniel Orrin Graham, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. John Thornton Peterson, xxx-xx-xxxx, U.S. Army.
Col. Frank Anton Hinrichs, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Joseph Charles Fimiani, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. John Walter Collins III, xxx-xx-xxxx, U.S. Army.
Col. Theme Troy Everton, xxx-xx-xxxx, U.S. Army.
Col. John Carpenter Raaen, Jr., xxx-xx-xxxx xxx-... U.S. Army.
Col. Alvin Curtely Isaacs, xxx-xx-xxxx, U.S. Army.
Col. Carl Vernon Cash, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Carl Ray Duncan, xxx-xx-xxxx, U.S. Army.
Col. Bruce Campbell Babbitt, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).
Col. Robert Charles Hixson, xxx-xx-xxxx, U.S. Army.
Col. John Murphy Dunn xxx-xx-xxxx, Army of the United States (major, U.S. Army).
Col. James Alexander Grimsley, Jr., xxx-... xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).
Col. Eugene Priest Forrester, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Alexander Day Surles, Jr., xxx-... xxx-xx-x..., U.S. Army.

IN THE NAVY

Vice Adm. Lot Ensey, U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to title 10, United States Code, section 5233.

Rear Adm. Frederick H. Michaelis, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Isaac C. Kidd, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. Bernard F. Roeder, U.S. Navy, for appointment to the grade of vice admiral on the retired list, in accordance with the provisions of title 10, United States Code, section 5233.

Vice Adm. Vernon L. Lowrance, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

The following-named officers of the Navy for permanent promotion to grade of rear admiral:

Medical Corps

John H. Cheffey
Ralph E. Faucett

Chaplain Corps

Francis L. Garrett

Rear Adm. Walter L. Curtis, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Jonas M. Platt
Clifford B. Drake
Wallace H. Robinson, Jr.
Robert G. Owens, Jr.
Earl E. Anderson
Michael P. Ryan

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

John N. McLaughlin
Jacob E. Glick
John E. Williams
Robert R. Fairburn
Homer S. Hill
Edward J. Doyle
Leo J. Dulacki
Harry C. Olson
Carl W. Hoffman
William G. Johnson
Henry W. Hise
Edwin H. Simmons
Robert B. Carney, Jr.
Herman Poggemeyer, Jr.

IN THE AIR FORCE

The nominations beginning Huey P. Lowery, to be first lieutenant, and ending Richard R. Valenzi, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 6, 1969; and

The nominations beginning John G. Abbott, Jr., to be captain, and ending John C. Walters, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 29, 1969.

IN THE ARMY

The nominations beginning Johnny L. Montgomery, to be major, and ending Michael A. Zolezzi, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 11, 1969.

IN THE NAVY

The nominations beginning Nathaniel R. Robertson, to be lieutenant commander, and ending George A. Ulch, to be a permanent lieutenant (jg.) and a temporary lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 8, 1969;

The nominations beginning Eugene B. Ackerman, to be captain, and ending Barbara Wirth, to be a permanent lieutenant (jg.) and a temporary lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 12, 1969; and

The nominations beginning Alice V. Bradford, to be commander, and ending Mack H. Flanders, to be ensign, limited duty only, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 15, 1969.

IN THE MARINE CORPS

The nominations beginning Robert L. Blake, to be second lieutenant, and ending Richard L. Yoerk, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 2, 1969; and

The nominations beginning Hugh S. Aitken, to be colonel, and ending James R. Young, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 12, 1969.