direction that the Government of Vietnam has taken towards social and military progress."

Senators Henrik Akerlund and Gunnar Hubinette, ranking members of the Upper Chamber of the Swedish Parliament said, "Our general idea of Vietnam has been changed in favor of South Vietnam."

The two Swedish senators said Europeans generally have an incorrect concept of the situation here in South Vietnam. "As far as we are concerned, South Vietnam is doing better than what we believed before we came over."

Akerlund and Hubinette arrived here last September 17 for a one-week stay as guests of the government. The two Swedish lawmakers have been touring the country from north to south observing the social and military activities of the Republic of Vietnam.

"The world is becoming smaller every day in this jet age. Due to this, there should be an increased understanding now between Europeans and the peoples of Southeast Asia. This was the reason we decided to come over, to observe and be informed," the two senators added.

Akerlund and Hubinette also bared that Scandinavian countries; Finland, Norway, Denmark and Sweden—are now, "having a lot of discussions about extending economic aid to the Republic of Vietnam after the end of the war."

The two Swedish senators, who were interviewed by the PNS in their suites at the Caravelle Hotel in downtown Saigon, revealed that the Swedish Parliament, particularly—has been deliberating over this postwar economic aid to South Vietnam.

Hubinette and Akerlund, who are both members of the Swedish Moderate Party said though that the proposed postwar economic aid to South Vietnam would be a collective action of all the Scandinavian nations—and not based on individual help.

The two Swedish senators said at the present, their country's aid to South Vietnam is given through the Red Cross. It is for this reason that a visit to refugee centers has been included in their itinerary here.

SENATE—*Monday, October 6, 1969*

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

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

Eternal Father, we thank Thee for all the blessings with which Thou hast enriched life—for the gift of life itself, the wonder of thought, the privilege of service and the sacrament of love. Most of all we thank Thee that Thou didst enter our fleeting life to share our nature, bear our burdens, and show us how to live.

"O Master, let me walk with Thee
In lowly paths of service free;
Tell me Thy secret; help me bear
The strain of toil, the fret of care."

Draw us to Thyself that amid differences and difficulties we may be united in bonds of common devotion to the welfare of the Nation. Keep the United States under Thy sovereignty and protection and use her in works of compassion and love.

In Thy Holy Name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 3, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 169; then going over and beginning with Calendar No. 433 and continuing with the succeeding measures in sequence.

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

EMERGENCY CREDIT REVOLVING FUND

The Senate proceeded to consider the joint resolution (S.J. Res. 111) to authorize temporary advances by the Commodity Credit Corporation to the emergency credit revolving fund.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the consideration of Senate Joint Resolution 111 be postponed indefinitely.

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

BARBARA ROGERSON MARMOR

The bill (S. 533) for the relief of Barbara Rogerson Marmor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Barbara Rogerson Marmor, the widow of the late Milton Marmor, a citizen of the United States, shall be held and considered to be an alien eligible for immediate relative status under the provisions of section 201(b) of such Act, and the provisions of section 204 of such Act, shall not be applicable in this case.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an exerpt from the report (No. 91–437), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of an immediate relative to Barbara Rogerson Marmor which is the status she would be entitled to were it not for the death of her husband, a citizen of the United States.

DR. GEORGE ALEXANDER KARADIMOS

The bill (S. 2096) for the relief of Dr. George Alexander Karadimos was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Doctor George Alexander Karadimos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 28, 1961, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–438), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. IN BAE YOON

The bill (S. 2231) for the relief of Dr. In Bae Yoon was considered, ordered to

be engrossed for a third reading, read the third time, and passed, as follows:

S. 2231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor In Bae Yoon shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 26, 1964.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–439), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. SILVIO MEJIA MILLAN

The bill (S. 2443) for the relief of Dr. Silvio Mejia Millan was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Silvio Mejia Millan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 17, 1961, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of sections 316 and 319 of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–440), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

MARTIN H. LOEFFLER

The bill (H.R. 3165) for the relief of Martin H. Loeffler was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–441), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable Martin H. Loeffler to file a petition for naturalization notwithstanding the provisions of section 313 of the Immigration and Nationality Act relating to one who was formerly a member of a proscribed organization.

ARIE RUDOLF BUSCH

The bill (H.R. 3560) for the relief of Arie Rudolf Busch (also known as Harry Bush) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–422), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable Arie Rudolf Busch (also known as Harry Bush) to file a petition for naturalization based on his residence and physical presence in the United States since his lawful admission for permanent residence in 1960.

DR. WAGIH MOHAMMED ABEL BARI

The Senate proceeded to consider the bill (S. 1797) for the relief of Dr. Wagih Mohammed Abel Bari which had been reported from the Committee on the Judiciary, with an amendment, in line 4, after the word "Act," strike out "Doctor Wagih Mohammed Abel Bari" and insert "Doctor Waguih Mohamed Abdel Bari"; and in line 7, after the word "of", strike out "September 20, 1960." and insert "September 15, 1960."; so as to make the bill read:

S. 1797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Waguih Mohamed Abdel Bari shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 15, 1960.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–443), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to correct the beneficiary's name and to reflect the proper date upon which he first entered the United States.

The title was amended, so as to read: "A bill for the relief of Doctor Waguih Mohamed Abdel Bari."

CORA S. VILLARUEL

The Senate proceeded to consider the bill (S. 1775) for the relief of Cora S. Villaruel, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, after the enacting clause, strike out "That, in the administration of the Immigration and Nationality Act, section 203(a)(2), the minor child, Cora Villaruel, is to be held and considered the natural born child of Mr. and Mrs. Tancredo S. Villaruel, lawful resident aliens of the United States"; and, in lieu thereof, insert "That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Cora S. Villaruel, shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Tancredo S. Villaruel, lawful resident aliens of the United States: Provided, That no natural parent or brothers or sisters of the beneficiary, by virtue of such relationship, shall be accorded any right, privilege, or status under the Immigration and Nationality Act."; so as to make the bill read:

S. 1775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Cora S. Villaruel, shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Tancredo S. Villaruel, lawful resident aliens of the United States: Provided, That no natural parent or brothers or sisters of the beneficiary, by virtue of such relationship, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–444), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to qualify for second-preference status as the unmarried daughter of lawful resident aliens of the United States. The bill has been amended in accordance with established precedents.

MRS. MARJORIE ZUCK

The Senate proceeded to consider the bill (S. 476) for the relief of Mrs. Marjorie Zuck, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 8, after the word "numbered", strike out "[redacted]" and insert "[redacted]"; so as to make the bill read:

S. 476

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That, for purposes of determining the entitlement of Mrs. Marjorie Zuck, Rural Route 1, Watson, Missouri, to benefits under title II of the Social Security Act for the months after October 1965, on the basis of the wages and self-employment income of Emory Zuck (social security account numbered [redacted]) if the said Mrs. Marjorie Zuck files application for such benefits within six months after the date of the enactment of this Act, the marriage entered into by the said Mrs. Marjorie Zuck and Emery Zuck on

November 26, 1921, shall be held and considered to have been a valid marriage.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–445), explaining the purposes of the measure.

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

PURPOSE OF AMENDMENT

The purpose of the amendment is to conform the social security account number of Emery Zuck with information contained in the report of the Department of Health, Education, and Welfare, appended hereto.

PURPOSE

The purpose of this legislation, as amended, is to determine the entitlement of Mrs. Marjorie Zuck, Rural Route 1, Watson, Mo., to benefits under title II of the Social Security Act for the months after October 1965, on the basis of the wages and self-employment income of Emery Zuck (social security account numbered [redacted]). If the said Mrs. Marjorie Zuck files application for such benefits within 6 months after the date of the enactment of this act, the marriage entered into by the said Mrs. Marjorie Zuck and Emery Zuck on November 26, 1921, shall be held and considered to have been a valid marriage.

STATEMENT

The Department of Health, Education, and Welfare has no objection to enactment of this legislation.

In its report to the Committee on the Judiciary under date of May 1, 1968, the Department states:

The facts upon which this private relief bill is based are stated in the accompanying memorandum. In substance, Mrs. Marjorie Rose Zuck filed an application on September 8, 1965, for wife's insurance benefits on the social security account of Emery Zuck, who had previously filed an application for old-age insurance benefits. (Mr. Zuck's account number, [redacted], is incorrectly shown as [redacted] in S. 1142.) Mrs. Zuck's application was disallowed. She was not validly married to Mr. Emery Zuck because she and Mr. Zuck are first cousins of the halfblood—that is, their fathers were half brothers—and she is consequently not entitled to wife's benefits on his account. The disallowance and a subsequently reconsidered determination of the Social Security Administration have been reaffirmed by a hearing examiner of the Bureau of Hearings and Appeals of the Social Security Administration.

The bill would provide that the marriage entered into by Mr. and Mrs. Zuck would be held to be a valid marriage. As a result, Mrs. Zuck would be eligible for social security's wife's insurance benefits.

We believe that because of the very sympathetic circumstances in this case, special legislation is not undesirable. Moreover, while we have not yet been able to develop a satisfactory proposal for general legislation that would permit payment of benefits in such a case, we would favor enactment of such legislation. We would therefore have no objection to enactment of the bill.

The committee, after reviewing the facts of this case, concurs in the conclusions of the Department of Health, Education, and Welfare, and accordingly recommends that favorable consideration be given to S. 476, as amended.

COPYRIGHT PROTECTION EXTENSION

The joint resolution (S.J. Res. 143) extending the duration of copyright protection in certain cases was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 143

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, or by Public Law 90–416 (or by all or certain of said laws), would expire prior to December 31, 1970, such term is hereby continued until December 31, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–447), explaining the purposes of the measure.

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

PURPOSE

The purpose of this legislation is to continue until December 31, 1970, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, or Public Law 90–416 (or by all or certain said laws) where such term would otherwise expire prior to December 31, 1970. The joint resolution would provide an interim extension of the renewal term of copyrights pending the enactment by the Congress of a general revision of the copyright laws, including a proposed increase in the length of the copyright term. This resolution would be the fifth such interim extension of copyright. The fourth extension (Public Law 90–416) will expire on December 31, 1969.

This legislation merely provides for the prolongation of the renewal term of copyright and does not involve creation of a new term of copyright.

STATEMENT

This legislation arises from a study of the U.S. copyright system authorized by the Congress in 1955. After extensive preparatory work, copyright revision bills were introduced in both Houses during the 88th Congress and again in the 89th and 90th Congresses. The House of Representatives on April 11, 1967, passed H.R. 2512 of the 90th Congress for the general revision of the copyright law. This committee's Subcommittee on Patents, Trademarks, and Copyrights held 17 days of hearings on copyright law revision, but no further action was taken by the Subcommittee. On January 26, 1969, the chairman of the Subcommittee on Patents, Trademarks, and Copyrights introduced S. 543 for the general revision of the copyright law. This bill is now being actively considered by the subcommittee. Both, S. 543 and the bill passed by the House of Representatives in the 90th Congress would increase the copyright term of new works from the present 28 years, renewable for a second period of 28 years, to a term for the life of the author and for 50 years thereafter. They also provide for a substantial extension of the term of subsisting copyrights.

While several major provisions of the copyright revision legislation are controversial, the provisions relating to cable television systems have been the principal, if not exclusive, factor delaying action on this legislation. Throughout 1969 the principal parties involved in the CATV question have been engaged in negotiations seeking to reach agreement on a joint recommendation to be made to the appropriate committees of the Congress. While these negotiations were being actively pursued, it has not been feasible for the subcommittee to undertake to act on this issue. The negotiations are still in progress, and it remains uncertain whether they will result in a compromise agreement. Meanwhile, the copyright legislation has been necessarily delayed and the archaic act of 1909 remains in effect.

Under these circumstances, the chairman of the subcommittee in introducing Senate Joint Resolution 143, suggested that the subcommittee may wish to consider the feasibility of separating the cable television question from the general revision bill, and consider the cable television question in separate legislation. No decision on this matter has yet been reached by the subcommittee. Regardless of what procedure is followed by the subcommittee, it is the hope of the committee that during this Congress legislation will be enacted providing for the general revision of the copyright law and the resolution of the cable television question.

Since the general revision bill has been unavoidably delayed, it seems desirable that the terms of expiring copyrights should be extended so that the copyright holders may enjoy the benefit of any increase in term that may be enacted by the Congress. It is the view of the committee that the same considerations that led to the enactment of the previous extensions warrant the approval of this joint resolution.

After a study of the joint resolution, the committee recommends that the legislation be favorably considered.

PROVIDING FOR THE HOLDING OF COURT IN PRINCE GEORGES COUNTY IN THE DISTRICT OF MARYLAND

The Senate proceeded to consider the bill (S. 981) to amend title 28 United States Code to provide that the U.S. District Court for the District of Maryland shall sit at one additional place, which had been reported from the Committee on the Judiciary, with an amendment, in line 8, after the word "and", strike out "Hyattsville.' "; insert a comma and "at a suitable site in Prince Georges County not more than five miles from the boundary of Montgomery and Prince Georges Counties.' "; so as to make the bill read:

S. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 100 of title 28, United States Code, is amended to read as follows:

"§ 100. MARYLAND

"Maryland constitutes one judicial district.

"Court shall be held at Baltimore, Cumberland, Denton, and at a suitable site in Prince Georges County not more than five miles from the boundary of Montgomery and Prince Georges Counties."

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–448), explaining the purposes of the measure.

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

PURPOSE OF AMENDMENT

The amendment provides needed flexibility for location of a court facility most suitable for the expanding population and potential future development of the area.

PURPOSE OF THE BILL

S. 981 amends section 100 of title 28, United States Code, to authorize the U.S. District Court for the District of Maryland to sit at a suitable site in Prince Georges County, as well as at Baltimore, Cumberland, and Denton, Md.

STATEMENT

At the present time the U.S. District Court for the District of Maryland sits only in Baltimore City, although it is also authorized to sit in Cumberland, located in the western part of the State, and Denton, located on the State's Eastern Shore.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

COMMITTEE MEETINGS DURING SENATE SESSIONS

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

The VICE PRESIDENT. Without objection, it is ordered.

EXECUTIVE SESSION

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

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

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated.

U.S. MARSHAL

The bill clerk read the nomination of Ollie L. Canion, of Louisiana, to be U.S. marshal for the eastern district of Louisiana.

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

NATIONAL TRANSPORTATION SAFETY BOARD

The bill clerk read the nomination of Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1969.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed; and without objection the President will be immediately notified of the confirmation of the nominations today.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to legislative session.

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

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I should like to inquire now as to the calendar for the remainder of the week.

Mr. MANSFIELD. Mr. President, in response to the question raised by my distinguished colleague, the minority leader, it is anticipated that the next order of business, after the disposal of the pending business, will be either the water pollution control bill, Calendar No. 346, S. 7, or the interest equalization bill, Calendar No. 424, H.R. 12829. It will depend on circumstances as to which of these two bills will follow the present measure.

Then we have two potato marketing bills which we hope will be adjudicated between the people who have different ideas—Calendar Nos. 412 and 414, S. 1181 and S. 2214.

Hopefully, later this week we will be able to get to the oil and gas compact, Calendar No. 189, Senate Joint Resolution 54. Consideration of this measure is long overdue.

Then there will be various health and veterans' bills.

If we finish all that this week, we will have performed very creditably.

Next week, we hope that the OEO authorization, which will be reported shortly, will be available for consideration, and also the legislative appropriation bill, which hopefully will be reported next week.

That is the best I can state at this time.

Mr. SCOTT. I thank the distinguished majority leader.

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business?

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

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER OF BUSINESS

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

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

AT THE BRINK

Mr. YOUNG of Ohio. Mr. President, since the end of World War II the United States has spent $1 trillion $500 billion on defense—$1 trillion is $1,000 billion. Each year the Federal Government spends more than 70 cents of every tax dollar for present and past wars and preparing for future wars. We devote more resources to national defense than the huge total spent by Federal, State, and local governments on health, education, old-age and retirement benefits, public assistance, unemployment and social security, housing and agriculture. Never have we devoted for such a long period of time such a large percentage of our gross national product on national defense.

No one questions the need for maintaining our armed strength in sufficient size and quality that the United States continues to be the strongest nation that ever existed under the bending sky of God. However, there has been a great deal of waste, inefficiency, and duplication in defense spending which has grown out of control. Our national security depends not only on military power but also on the strength of our economic system and on the wholesomeness of our social and political life.

A greater effort must be made to bring the mad armaments race under control and to curb the power of the military-industrial complex. It is high time that we reevaluate our national goal and establish priorities toward reaching them. Lord Bryce, in his commentary on our American Government stated:

> Events have repeatedly shown that while the American people may be dragged to the edge of a precipice, they have found a good sense to stop, even by a very narrow margin at the brink.

Let us hope that Almighty God will be with us in the future and continue to guide us in that manner.

TAX REFORM IN JEOPARDY?

Mr. YOUNG of Ohio. Mr. President, President Nixon in his recent press conference said he believed the 27½ percent oil depletion allowance should not be reduced. However, he did not go so far as to state he would veto a bill if the reduction provision passed in the House of Representatives is agreed to in the Senate, as I hope it will be. By reason of this 27½ percent oil and gas depletion allowance Atlantic Refining Co. paid no income tax whatever in 1967 from its huge net profits. Atlantic-Richfield Corp. paid but 6 percent of its lush net earnings in 1968 to our Government as taxes. Other oil producers also profited.

Secretary of the Treasury Kennedy, testifying before the Senate Committee on Finance, backed away from advocacy of real tax reform. His testimony proposed continuing present tax policy

which favors huge corporations and ultrawealthy individuals and burdens middle- and low-income families with a very heavy income tax burden indeed. It is unfortunate that he and other administration leaders are advocating postponement of Senate consideration of real tax reform until next year.

Mr. President, we must have real tax reform, and we must levy taxes in this country according to ability to pay. That is the only sound principle of just taxation.

It appears certain that a much needed tax reform bill will be voted out of the Senate Committee on Finance for debate and vote in the Senate before November 1. Senate debate may be prolonged and very heated over this highly controversial proposal opposed by oil tycoons and the ultra-rich. However, Mr. President, we must pass needed tax reform legislation even though we remain in session right up to Christmas Eve. We must do it this year.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. 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. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, it is so ordered.

REPUBLIC OF PHILIPPINES—100 PERCENT RECORD ON HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, in 1963, the General Assembly of the United Nations, with strong support from the United States, designated 1968 as the International Year for Human Rights. In 1965, the General Assembly called upon all members to ratify before 1968 the human rights conventions.

All of us know the record of the Senate. Of the five human rights conventions submitted to the Senate, only the Supplementary Slavery Convention has been approved.

By comparison with our own inaction, the record of the Republic of the Philippines is truly remarkable.

The Republic of the Philippines, only 22 years old, has ratified all nine of the human rights conventions.

The United States can certainly take a lesson from the young Philippines. The Senate can make a real start this year, by giving its advice and consent to the Convention on Forced Labor, Genocide, and Political Rights of Women.

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.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON GILA RIVER PIMA-MARICOPA INDIAN COMMUNITY AGAINST THE UNITED STATES, BEFORE THE INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, an order dismissing docket No. 236–J, Gila River Pima-Maricopa Indian Community, etc., Plaintiff, v. The United States of America, Defendant, before the Indian Claims Commission (with accompanying papers); to the Committee on Appropriations.

REPORT ON THE PASCAGOULA, BILOXI, AND MOBILIAN CONSOLIDATED BAND OF INDIANS AGAINST THE UNITED STATES, BEFORE THE INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, an order dismissing docket No. 170, the Pascagoula, Biloxi and Mobilian Consolidated Band of Indians. Petitioners, v. The United States of America, Defendant, before the Indian Claims Commission (with accompanying papers); to the Committee on Appropriations.

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT, JANUARY 1 TO JUNE 30, 1969

A letter from the Secretary of the Army, transmitting, pursuant to law, the semiannual report of Department of the Army contracts for military construction awarded without formal advertisement, January 1 through June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT ON APPLICATION FOR FEDERAL LOAN FOR CONSTRUCTION OF IRRIGATION DISTRIBUTION SYSTEM IMPROVEMENTS AND RELATED WORKS—LAKESIDE IRRIGATION WATER DISTRICT, KINGS COUNTY, CALIF.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the Lakeside Irrigation Water District of Hanford, Calif., for a loan under the Small Reclamation Projects Act (with accompanying papers); to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON CLAIMS SETTLED BY USIA

A letter from the Office of the Director, U.S. Information Agency, transmitting, pursuant to law, an annual report on claims settled under the Military Personnel and Civilian Employees' Claims Act of 1964 (Public Law 88–558), September 1, 1968, through August 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A resolution adopted by the Macomb County, Mich., Board of Supervisors, praying that counties be included within the definition of "local governments" so as to participate in the Federal system; to the Committee on Finance.

A resolution by the City Commission of Jackson, Mich., remonstrating against proposed legislation to limit the tax-exempt feature of interest paid on public bonds issued by State or local governments; to the Committee on Finance.

A petition from several persons from the States of South Carolina and Alabama expressing concern over internal crises confronting the Nation; to the Committee on the Judiciary.

A resolution adopted by the city council of the city of Culver City, Calif, praying for enactment of legislation to repeal or amend Subtitle II of the Internal Security Act of 1950 (Emergency Detention Act); to the Committee on the Judiciary.

A resolution adopted by Banner Council No. 39, Junior Order United American Mechanics, praying for enactment of legislation providing for the display of the American flag in every public school classroom and appropriate exercises being held explaining the symbolism of the flag; to the Committee on the Judiciary.

Two resolutions adopted by the American Association of Workers for the Blind, Inc., at their 43d Convention, the first praying for the enactment of legislation to make possible full, effective, adequately funded and properly coordinated and integrated vocational rehabilitation and personal rehabilitation services to all blind and visually impaired individuals regardless of age or vocational potential with benefit of Federal matching funds; to the Committee on Labor and Public Welfare, and the second praying for the enactment of legislation extending the free mailing privileges for blind persons permitting the mailing of items which do not weigh more than 3½ ounces by first class mail; to the Committee on Post Office and Civil Service.

BILL AND JOINT RESOLUTION INTRODUCED

Bill and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CRANSTON:

S. 2993. A bill to amend title 38, United States Code, in order to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans' outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional undergraduate college course in order to qualify for a full-time educational assistance allowance; and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. YARBOROUGH:

S.J. Res. 156. A joint resolution to establish an interagency commission to make necessary plans for the United Nations Conference on the Human Environment scheduled for 1972 and for other international conferences and meetings relating to the human environment; to the Committee on Foreign Relations.

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

S. 2993—INTRODUCTION OF VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

Mr. CRANSTON. Mr. President, on October 2, the Veterans' Affairs Subcommittee, which I am privileged to chair, of the Labor and Public Welfare Committee, took action on numerous bills, reporting them to the full committee. One of the reported bills consolidates virtually all of S. 2036, S. 2361, S. 2506, S. 2668, and S. 2700; a substantial portion of S. 1088; sections 2 (c) and (d), 3 (a) and (b), 4, 5, 6, and 7 of H.R. 6808; and section 3 of H.R. 11959.

To facilitate full committee consideration, which I expect will take place very shortly, I am today introducing, for appropriate reference, the Veterans Education and Training Assistance Amendments Act of 1969.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD in full at this point.

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

The bill (S. 2993), to amend title 38, United States Code, in order to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional undergraduate college course in order to qualify for a full-time educational assistance allowance, and for other purposes; introduced by Mr. CRANSTON, was read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Education and Training Assistance Amendments Act of 1969".

SEC. 2. Subsection (c) of section 1652 of title 38, United States Code, is amended to read as follows:

"(c) The term 'educational institution' means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults."

SEC. 3. (a) Chapter 34 of title 38, United States Code, is amended by—

(1) striking out "section 1678 of this title" in section 1661(c) and inserting "subchapters V and VI of this chapter";

(2) striking out section 1678; and

(3) adding at the end of chapter 34 the following new subchapters:

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"§ 1690. Purpose

"It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify and pursue courses of higher education, and (2) to encourage and assist institutions of higher education and other educational institutions in the development of programs which offer special instruction, counseling, tutorial, and other educational and supplementary assistance to such veterans and to encourage and assist such institutions in the development of special educational programs and projects for such veterans.

"§ 1691. Elementary and secondary education and preparatory educational assistance

"(a) In the case of any eligible veteran who—

"(1) has not received a secondary school diploma (or an equivalency certificate) at the time of his discharge or release from active duty, or

"(2) in order to pursue a program of education for which he would otherwise be eligible, needs refresher courses, deficiency courses, or other preparatory or special educational assistance to qualify for admission to an appropriate educational institution,

the Administrator may, without regard to so much of the provisions of section 1671 as prohibit the enrollment of an eligible veteran in a program of education in which he is already qualified, approve the enrollment of such veteran in an appropriate course or courses or other special educational assistance program.

"(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a) of this section an educational assistance allowance as provided in section 1681 and 1682 of this chapter; except that (1) no enrollment in adult evening secondary school courses shall be approved in excess of half-time training as defined pursuant to section 1684 of this title; and (2) whenever enrollment in a special educational assistance program cannot feasibly be measured under section 1684, such a program shall be considered full-time training for purposes of this chapter when a minimum of twenty-five net clock hours per week of instruction or other supervised program work is required, and the Administrator shall prescribe the instruction or other work requirements for part-time training for any special educational assistance program.

"§ 1692. Special supplementary assistance

"In the case of any eligible veteran who is enrolled in and pursuing a course of education at an educational institution and who, because of a deficiency in his education or training, needs one or more refresher courses, counseling, tutorial, or remedial assistance, or some other form of special supplementary assistance in order to successfully pursue such course, the Administrator shall, on behalf of the veteran, reimburse the educational institution concerned the reasonable cost of providing such veteran with such special supplementary assistance. The amounts which shall be paid on behalf of an eligible veteran to any educational institution for special supplementary assistance provided him under this subchapter and the terms and conditions under which such assistance shall be provided shall be prescribed in regulations issued by the Administrator after consultation with the Commissioner of Education, but in no event shall the amounts exceed $100 per month on behalf of an eligible veteran.

"§ 1693. Grants and contracts

"(a) To carry out the purposes of this subchapter, the Administrator is authorized, in accordance with regulations issued by him after consultation with the Commissioner of Education, to make grants to and enter into contracts with institutions of higher education and other educational institutions to encourage and assist such institutions to—

"(1) plan and develop programs or projects in connection with the special educational and supplementary assistance programs authorized to be provided to eligible veterans by sections 1691 and 1692; and

"(2) plan, develop, strengthen, or conduct other special educational programs or projects for eligible veterans, including, but not limited to—

"(A) accelerated and concentrated educational programs;

"(B) educational programs extending beyond the usual period for completion of the course of study at an educational institution; and

"(C) encouraging and training such veterans to pursue public service occupations to meet community needs.

"(b) To carry out the purposes of this subchapter and those of subchapter IV of chapter 3 of this title, the Administrator is authorized, in accordance with regulations issued by him after consultation with appropriate departments and agencies of the Government referred to in section 242(6) of this title, to make grants to and enter into contracts with public and private non-profit organizations for the purpose of providing the outreach services specified in that subchapter to educationally disadvantaged eligible veterans.

"(c) There are authorized to be appropriated to carry out this section $15,000,000 for the fiscal year ending June 30, 1970, and $30,000,000 for the fiscal year ending June 30, 1971.

"§ 1694. Effect on other benefits and on approval requirements

"(a) The benefits received by or on behalf of any veteran under this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661(a) of this chapter and shall in no way affect his eligibility or qualification for benefits under other provisions of this title or under other provisions of law.

"(b) The provisions of sections 1673(d) and 1675 of this title shall not apply in the case of programs provided under sections 1691(a)(2), 1692, and 1693 of this title.

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

"§ 1695. Purpose; definition

"(a) The purpose of this subchapter is to encourage and assist veterans in preparing for their future education, training, or vocation by providing them with an opportunity to enroll in and pursue a program of education or training prior to their discharge or release from active duty with the Armed Forces. The program provided for under this subchapter shall be known as the Predischarge Education Program (PREP).

"(b) For the purposes of this subchapter, the term 'eligible person' means any person serving on active duty with the Armed Forces who (1) has served on active duty not less than twelve consecutive months, and (2) has twelve months or less active duty service remaining prior to the time he is expected to be discharged or released from active duty, as certified to the Administrator by the Secretary concerned.

"§ 1696. Payment of training and educational expenses

"(a) The Administrator shall, under such regulations as he shall prescribe jointly with the Secretary of Defense and the Commissioner of Education, pay the education and training expenses for any eligible person who enrolls in and pursues a course of education or training offered by an educational institution if such course of education or training is required for or preparatory to any program of education or training or any vocation such eligible person intends to pursue after his discharge or release from active duty with the Armed Forces.

"(b) The education and training expenses which the Administrator shall pay under this subchapter on behalf of any eligible person shall include the cost of determining suitability for enrollment, job placement, and career guidance, and books and supplies

furnished to the eligible person by the institution. In no event shall the Administrator pay more than $150 per month for any course of education or training pursued by any eligible person.

"(c) The cost of any education or training course paid for by the Administrator under this subchapter shall be paid directly to the educational institution furnishing such course.

"(d) In no event shall education or training expenses be paid on behalf of any eligible person for any period in excess of twelve months.

"§ 1697. Approved education or training courses and institutions

"The Administrator shall pay the expenses of a course of education or training pursued by an eligible person under this subchapter only if such course and the educational institution providing such course have been approved, without regard to sections 1673 (d) and 1675 of this title, by the Administrator in accordance with regulations issued jointly by the Administrator, the Secretary of Defense, and the Commissioner of Education.

"§ 1698. Educational and vocational guidance

"The Administrator shall be responsible for arranging for and coordinating educational and vocational guidance and job placement assistance to persons eligible for education and training under this subchapter.

"§ 1699. Effect on educational entitlement and benefits

"(a) Education and training expenses under this subchapter shall be paid without charge to any period of entitlement an eligible person may earn pursuant to section 1661(a) of this title.

"(b) No person shall be eligible to receive educational benefits under this subchapter for any period for which he is receiving an educational assistance allowance under subchapter IV of this chapter."

(b) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by striking out

"1678. Special training for the educationally disadvantaged.";

and by adding at the end thereof the following:

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"1690. Purpose.
"1691. Elementary and secondary education and preparatory educational assistance.
"1692. Special supplementary assistance.
"1693. Grants and contracts.
"1694. Effect on other benefits and on approval requirements.

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

"1695. Purpose; definition.
"1696. Payment of training and education expenses.
"1697. Approved education or training courses and institutions.
"1698. Educational and vocational guidance.
"1699. Effect on educational entitlement and benefits."

(c) Section 1681(a) of such title is amended by inserting ", except subchapter VI," immediately after "this chapter".

SEC. 4. (a) Section 1684(a) of title 38, United States Code, is amended by—

(1) striking out "and" after the semicolon in clause (2); and

(2) striking out clause (3) and inserting in lieu thereof the following:

"(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course; and

"(4) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this paragraph, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year.

Notwithstanding the provisions of clause (3), a veteran shall be considered to be pursuing a full-time course at a junior college, college, or university if (A) he is carrying a number of semester hours, or the equivalent thereof, necessary to be considered a full-time course under clause (3), (B) credit is granted toward a standard college degree for not less than half the number of those hours, and (C) he is carrying one or more courses not paid for under section 1692 of this title and for which no credit is granted toward such a degree but which he is required to take because of a deficiency in his education."

(b) Section 1733(a)(3) of such title is amended to read as follows: "(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such a college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under clause (B) is less than twelve hours or the equivalent thereof, than twelve semester hours or the equivalent thereof shall be considered a full-time course."

SEC. 5. (a) Chapter 3 of title 38, United States Code, is amended by adding at the end thereof a new subchapter:

"SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

"§ 240. Purpose; definition

"(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of insuring that all veterans, especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Veterans' Administration and other governmental programs, receive personalized educational, vocational, social services, and job placement assistance in order to aid them in applying for and obtaining such benefits and services, in achieving a rapid social and economic readjustment to civilian life, and in obtaining a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Veterans' Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such assistance through, to the maximum extent possible, one integrated Federal program which utilizes personnel who are able to communicate with and provide such assistance in the most effective and meaningful manner and which places maximum emphasis upon personal contact.

"(b) For the purpose of this subchapter, the term (1) 'other governmental programs' shall include all programs under State or local laws as well as all programs under Federal law other than those authorized by this title, and (2) the term 'eligible dependent' shall mean an 'eligible person' as defined in section 1701(a)(1) of this title.

"§ 241. Veterans assistance centers and outreach services

"(a) The Administrator shall establish and maintain veterans assistance centers at such places throughout the United States, its territories, Commonwealths, and possessions, as he determines to be necessary to carry out the purposes of this subchapter, with due regard for the geographic distribution of veterans recently discharged or released from active military, naval, or air service, the special needs of educationally disadvantaged veterans, and the necessity of providing appropriate outreach services in less populated areas.

"(b) Veterans assistance centers shall seek especially to provide the outreach services provided for in this subchapter to educationally disadvantaged veterans and shall, to the maximum practicable extent, be located in communities where large numbers of those veterans reside rather than in Federal or other business-district office buildings.

"(c) Special efforts shall be made to employ at veterans assistance centers veterans who themselves reside in the community served or in similar communities and, where possible, who themselves have received assistance from such centers. Personnel assigned to such centers shall be selected with major regard to their ability to communicate with and provide the outreach services authorized in this subchapter directly to educationally disadvantaged veterans in the most effective and meaningful manner.

"(d) Those outreach services that the Administrator shall provide to all eligible veterans and eligible dependents shall include, but shall not be limited to, the following:

"(1) The distribution of full information regarding all benefits and services to which they may be entitled under laws administered by the Veterans' Administration and to which they are entitled under other governmental programs, including training and manpower programs.

"(2) Arranging for and conducting, to the maximum extent possible, person-to-person interviews to explain and answer questions regarding the programs referred to in paragraph (1), and planning an individual program of education, training, or employment as may be best suited to the eligible veteran or eligible dependent concerned, and, in the case of an eligible veteran, an individual program which will also aid him in making a rapid social and economic readjustment to civilian life.

"(3) Providing job and other appropriate referrals and job placement assistance when appropriate, undertaking especially to match the particular qualifications of an eligible veterans or eligible dependent with an available job, on-the-job training opportunity, or

apprenticeship opportunity which is commensurate with his qualifications or vocational objectives, and, if every effort to locate such an opportunity in his home area reveals no such opportunity, furnishing him with a listing of such opportunities available in other parts of the Nation.

"(4) Providing social and other special services necessary to aid them in obtaining maximum assistance from the benefits and services to which they are entitled.

"(5) Providing aid and assistance in the preparation and presentation of claims under this title and in connection with any other governmental program.

"(6) Maintaining full records of the outreach services offered and conducting periodic followup checks to determine the success of individual assistance provided and the success of the program generally.

"(e)(1) The Administrator shall pay the reasonable travel expenses, including per diem for food and necessary lodging, of any eligible veteran or eligible dependent in connection with any interview of such veteran or dependent with an employer or training or apprenticeship director where such interview results from services provided through the outreach services program. The amount paid to any veteran or dependent under this paragraph as a per diem allowance and for travel expenses shall not exceed the amount authorized for such purposes under the Standardized Government Travel Regulations.

"(2) The Administrator shall pay a reasonable moving allowance to any eligible veteran or eligible dependent who obtains employment or is placed in a training or apprenticeship program as a result of services provided through the outreach services program, if (A) every effort made to locate suitable employment or placement in a training or apprenticeship program in the veteran's or dependent's home area has revealed no such opportunity, (B) a moving allowance or similar relocation assistance is not available under any other existing Federal program, and (C) a moving allowance is not provided as a matter of established policy by the employer or by the training or apprenticeship program in which the veteran or dependent is to participate. Such allowance may include reasonable travel expenses for the veteran or dependent and his immediate family; reasonable expenses for moving his personal effects and household goods; and reasonable expenses for lodging for not more than a two-week period while seeking housing in the new location. In no case may the amount paid for moving the personal effects and household goods of a veteran or dependent exceed the maximum amount authorized to be paid pursuant to regulations issued by the President under section 5724 of title 5, United States Code, in connection with the transfer of an employee of the Federal Government.

"(3) The Administrator shall, after consultation with the Secretary of Labor, prescribe regulations to carry out the provisions of this subsection.

"(f) To the maximum extent possible, the Administrator shall begin providing the outreach services authorized in this subchapter to members of the Armed Forces prior to their discharge or release from active duty. Such services shall be provided such members at Army, Navy, and Air Force installations, especially those in foreign countries, pursuant to the authority of section 231 of this title.

"§ 242. Coordination with Federal and other agencies

"In carrying out the purposes of this subchapter, the Administrator shall—

"(1) utilize the facilities and services of any other Federal department or agency pursuant to proper agreement with the Federal department or agency concerned;

"(2) cooperate with and use the services of any State or local governmental agency or recognized national or other organization;

"(3) where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization;

"(4) at his discretion, make payment to cover the cost of services either in advance or by way of reimbursement as may be provided by agreement with any such Federal department or agency, State or local governmental unit or other organization;

"(5) at his discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services under contract or agreement; and

"(6) conduct studies, in consultation and coordination with the Department of Health, Education, and Welfare, the Office of Economic Opportunity, the Department of Defense, the Department of Labor, the Department of Housing and Urban Development, and the Urban Affairs Council, to determine the most effective program design to carry out the purposes of this subchapter with respect to locating educationally disadvantaged veterans and assisting and motivating them to pursue education and training under this title.

"§ 243. Reports to Congress

"The Administrator shall submit to the Congress not later than September 1 and March 1 each year a report on the activities carried out under this subchapter, each report to include (1) an appraisal of the effectiveness of the programs authorized herein and the degree of cooperation from other Federal departments, agencies, other governmental programs, and service organization, with particular reference to sections 241(d)(6) and 242(6) of this title, and (2) recommendations for the improvement or more effective administration of such programs."

(b) The table of sections at the beginning of chapter 3 of such title is amended by inserting immediately after

"236. Administrative settlement of tort claims arising in foreign countries."

the following:

"SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

"240. Purpose; definition.
"241. Veterans assistance centers and outreach services.
"242. Coordination with Federal and other agencies.
"243. Reports to Congress."

SEC. 6. Section 1677(a)(1) of such title is amended by deleting "or must have satisfactorily completed the number of hours of flight training instruction required for a private pilot's license,".

SEC. 7. Section 1681(d) of title 38, United States Code, is amended by inserting below clause (2) the following:

"Notwithstanding the foregoing, the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment."

SEC. 8. Section 1712 of title 38, United States Code, is amended by—

(1) deleting in subsection (a)(3) the words "first occurs" immediately preceding "(A)" and inserting in lieu thereof "last occurs"; and

(2) adding at the end thereof a new subsection as follows:

"(e) The term 'first finds' as used in this section means the effective date of the rating or date of notification to the veteran from whom eligibility is derived establishing a service-connected total disability permanent in nature, whichever is more advantageous to the eligible person."

SEC. 9. Chapter 36 of title 38, United States Code, is amended as follows:

(1) by inserting at the end of section 1772 thereof the following new subsection (c):

"(c) In the case of programs of apprenticeship where—

"(1) the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29 as a national apprenticeship program for operation in more than one State, and

"(2) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Administrator shall act as a 'State approving agency' as such term is used in section 1683(a)(1) of this title and shall be responsible for the approval of all such programs."

(2) by deleting section 1781 of subchapter II in its entirety and inserting in lieu thereof the following:

"§ 1781. Limitations on educational assistance

"No educational allowance or special training allowance granted under chapter 34 or 35 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training.";

(3) by deleting in the table of sections at the beginning of such chapter the following:

"1781. Nonduplication of benefits."

and inserting in lieu thereof the following:

"1781. Limitations on educational assistance."

SEC. 10. (a) Section 504 of the Act of October 15, 1968, entitled "An Act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes" is hereby repealed.

(b) Section 506 of the Act of October 16, 1968, entitled "An Act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related Acts" is hereby repealed.

SEC. 11. The amendments made by this Act shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act.

SENATE JOINT RESOLUTION 156—INTRODUCTION OF A JOINT RESOLUTION ESTABLISHING AN INTERAGENCY COMMISSION FOR THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. YARBOROUGH. Mr. President, it is written in the Book of Exodus:

And all the waters that were in the river turned to blood. And the fish that were in the river died; and the river stank.

This rather ominous verse takes on modern perspective when we are reminded of the recent chemical pollution of the Rhine River, and the consequent fish kill and deutilization of the water. Such violent episodes of concentrated pollution are nothing new. In my home State of Texas, for example, those who live along the Houston ship channel can tell you of the repeated instances of massive fish kills there.

Fortunately, the Congress and the American people are becoming increasingly concerned with the quality of our domestic environment. This concern is manifested by the vast number of bills pertaining to this subject now before the Congress, including some seven bills and resolutions pending in the Senate and 52 such bills and resolutions pending in the House.

Most of these bills are urgently needed and I support them. But, Mr. President, the problem of the pollution of the air we breathe and the water we drink knows no national, ethnic, geographical, or ideological boundaries. The more obvious threats to man's existence, such as an annihilative nuclear war, occupy our minds and efforts, and they should. But a more subtle threat to the well-being of our children and grandchildren deserves all the time and attention we can devote to it—in fact, the Draconian nature of the problem dictates that all nations must give it a crisis response. I am speaking of the creeping and relentless attack upon the hospitality of our environment.

It endangers a Russian as much as an American; a Jew as much as an Arab; a Communist as much as a capitalist; a black as much as a white; and the rich as much as the poor. It does so because our water and air are the property of no man, nation, or group, but belong to all men everywhere.

The conclusion that environmental jeopardy is universal is too self-evident to require a cataloging of the evidence. We read in the August 17, 1969, issue of the New York Times how the beaches in and near Tokyo, Yokohama, and other large Japanese cities have been unusable this summer because of pollution of the seawater. Though the coliform bacteria count per 100 millimeters must not exceed 50,000 for human immersion, the count at such beaches frequently reached 100,000 to 300,000 this summer. This pollution comes from wastes from chemical plants and homes that, discharged into rivers, ultimately find their way into open sea.

Then we read in the August 15, 1969, issue of Time magazine how, when Thor Heyerdahl sailed across half the Pacific, 22 years ago, he was "thrilled by the beauty and purity of the ocean," but how, when he attempted this year to sail from Africa to Central America in a boat made of papyrus reeds, his thrill was replaced with shock because "large surface areas in mid-ocean as well as nearer the continental shores on both sides were visibly polluted by human activity."

And we saw in the September 24, 1969, edition of the Dallas Times Herald how Iceland has found that the stock of fish in the North Atlantic is drastically diminishing because of pollution.

There have been too many other reported instances to record them all. Some important ones are reflected in the September 1968 issue of Bioscience, entitled "The Effects of Pesticides"; an article in the September 1969 issue of Environmental Science and Technology concerning the sea pollution created by a phosphorous plant in Newfoundland; an article in the New Scientists issue of December 12, 1968, entitled "The Menace of Mercury," which tells of dangerous amounts of methyl-mercury being found in fish as a result of water contamination by industrial effluents; and an article in the November-December 1960 issue of Oceanology International discussing our contaminated coastal waters. Mr. President, I ask unanimous consent that all the above mentioned magazine and newspaper articles be printed in the RECORD at the conclusion of my remarks.

We all know that a genuine debate is now raging about the future adequacy of oxygen in the air and water. With the world population due to increase from 3 to 7 billion by the end of the century, and with the ever-encreasing tendencies of this population to inject into the atmosphere and our waters oxygen absorbing industrial and human wastes, one can see why this debate, with its awesome implications, has taken on such serious proportions.

Walter Lippmann, one of the most influential political writers of our time, articulated so well what confronts us:

> The great question of our time is whether this mass democracy, these masses of people, are capable of the foresight to solve the environmental problem of the human race in this era. And that's a question which I'll never see the answer to, but that is the question which is grinding us from the inside.

Mr. President, at last the world is rising from the ostrich-sands of indifference. The world's foremost governmental organization, the United Nations, is planning an international conference in 1972 on the human environment. The United States, through its Ambassador to the U.N., has endorsed the proposal. Senate Resolution 179 has been introduced in the Senate by Senator MUSKIE, strongly supporting the conference and urging full U.S. participation. A companion resolution has been introduced in the House.

The Executive Office of the President has established a planning committee through its Federal Council for Science and Technology with State Department chairmanship. The response in the public press, in private organizations concerned with environmental affairs, and in the university community has been enthusiastic. For example, the Massachusetts Institute of Technology is organizing an interuniversity group to examine critically environmental problems and to provide objective information to U.S. policymakers who will attend the U.N. meeting.

The purpose of the 1972 conference is to make decisions looking to solving the global problems of environmental quality and productivity. It will not be another recitation of the many ways in which society is out of harmony with its natural surroundings—these are all too well known.

The time has come for action programs on a worldwide scale. Nothing less will do. The recent observations of the earth from outer space have taught people everywhere that our planet is a unique oasis of hospitality for the human race. Apollo experience has also taught us that the resources of "spacecraft earth" must be conserved, renewed, and recycled because, other than sunlight, they are finite and precious.

The scope of the conference is outlined in material which I ask unanimous consent to be printed in the RECORD at the conclusion of my remarks. The conference itself will involve some 1,200 participants, will run for 2 weeks and will cost about $2 million. Its objectives are to reach agreement on solutions to those problems of the human environment that can only best be solved through international cooperation and agreement. These objectives were more specifically described by the Secretary-General as follows:

> a. To focus the attention of governments and the public opinion on the importance and urgency of environmental problems so that increased attention thereto be given in policies and programmes of economic and social development, both in developed and developing countries.
>
> b. To provide a forum for exchange of views among governments on the ways and means of handling environmental problems, including machinery required for administrative and legislative action.
>
> c. To identify those aspects of such problems which can only, or best, be solved through international or regional cooperation and agreement;
>
> d. To consider methods to meet the need for intensified action at the national, regional and international level and in particular, how developing countries can through increased international cooperation, derive benefit from the mobilization of knowledge and experience about the problems of the human environment, enabling them, *inter alia*, to forestall the occurrence of many such problems;
>
> e. To focus attention on and encourage wider participation and support for present and future activities and programmes of United Nations' organizations and other international organizations related to the human environment and to give them a common outlook and direction.

Many conservation and restoration programs are coming into operation all over the world. We are not waiting for 1972 or any international meeting to begin ecological management. But international cooperation is vital in some areas and the historic difficulties of national and territorial agreement must be overcome to achieve the most important goals of environmental maintenance.

The United States has special responsibilities in these matters. We are the most industrialized and highly developed society in the world. Our science and technology are preeminent. The fundamental policies of this country have to do with an appreciation of nature and an understanding of its gifts. We should lead the way in international programs to manage the environment for the good of all mankind. This is one area where we need not be reticent for fear of accusations of imperialism. Our economic resources and know-how compel us to take the lead in the worldwide quest for an optimum relationship between population and environmental resources.

Mr. President, these imperatives suggest the need for vigorous activity by our Government in preparing for the 1972 United Nations Conference on the Human Environment. Unfortunately, however, I have found that our planning

so far is a shoestring operation which will not equip our delegation for a leadership position. Despite endorsement by State Department spokesmen, no well-staffed office has been established. The various agencies which would logically be involved are represented on a committee but there is no evidence of a program or the means to see it through. My office has been advised that at present only one staff man from the State Department and only one staff man from the President's Office of Science Technology are working on this country's preparations for the conference, and their efforts are part time.

I realize the budgetary constraints of the administration and, in this issue of environmental quality, the great pressure of problems close to home, but the present efforts to prepare for this conference fall tragically short.

To properly plan for this conference, I am advised that we must begin a crash effort to obtain through governmental staff work, through consulting arrangements and through contract programs with private scientific and educational institutions, an in-depth study of environmental problems and a series of alternative proposed solutions. The legislation I now propose will enable the administration to undertake such a crash effort.

The joint resolution I introduce would create a commission composed of an appropriate number of members appointed by the President from the Department of State and other appropriate Federal departments and agencies. The Commission would be given the specific authority to make necessary plans for U.S. participation in the 1972 United Nations Conference on the Human Enrivonment, and other international conferences and meetings relating to the environment. It would be given the authority to enter into contract work with Federal or State agencies, private firms and institutions, for the conduct of research or surveys, the preparation of reports, and other activities necessary to the proper planning for these conferences. This legislation would additionally authorize sufficient moneys to carry out the extensive planning work contemplated by it.

The Congress often has recognized that decisions in pollution abatement, resource allocation, land use planning, recreation and conservation could not be made solely on a national basis. For example, in July 1968, a joint House-Senate colloquium on a National Policy for the Environment concluded it is the policy of the United States that:

Environmental quality and productivity shall be considered in a worldwide context, extending in time from the present to the long-term future.

Purposeful, intelligent management to recognize and accommodate the conflicting uses of the environment shall be a national responsibility.

Information required for systematic management shall be provided in a complete and timely manner.

Education shall develop a basis of individual citizen understanding and appreciation of environmental relationships and participation in decision making on these issues.

Science and technology shall provide management with increased options and capabilities for enhanced productivity and constructive use of the environment.

It becomes obvious that in the absence of some congressional action and impetus, adequate preparation will not be made for our participation in the 1972 conference.

Mr. President, time could be running out on our species unless we act promptly to deal with the encroachments upon our delicate life system. If we do not seize with all the force at our command upon the opportunity for action presented by the 1972 conference, we may have a lifetime to regret it.

The United Nations has been a disappointment in many ways, particularly in the area of peacekeeping. But when it comes to dealing with worldwide social problems, it has proven to be the best vehicle for multination action the world has ever known. Indeed, the United Nations is the only effective means the nations of the earth have of coping with the environmental crisis in an organized manner.

As with problems of health and hunger and education, when it comes to the problem of the choking pollution permeating the waters and air of this beautiful planet, the United Nations is truly our "last great hope."

T. S. Eliot says that the world will end not with a bang but with a whimper. I do no know precisely what he had in mind as the agent of ultimate destruction. But, I do know that his great poetry forces upon us all the recognition that man cannot take his existence for granted. For far too long, we have been indifferent to the disruption of our environment by pollution. It is time now to man an all-out assault.

That is why, Mr. President, I believe this legislation is vitally important to us, not just as Americans, but as members of the human race.

Mr. President, I ask unanimous consent that this joint resolution be printed in full at the conclusion of my remarks, immediately before the magazine and newspaper articles that I have requested be printed at the conclusion of these remarks.

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

The joint resolution (S.J. Res. 156), to establish an interagency commission to make necessary plans for the United Nations Conference on the Human Environment scheduled for 1972 and for other international conferences and meetings relating to the human environment, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. Res. 156

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a commission to be known as the Interagency Commission on the Human Environment.

(b) It shall be the purpose of the Commission to make necessary plans for United States participation in (1) the United Nations Conference on the Human Environment scheduled for 1972, and (2) other international conferences and meetings relating to the human environment.

SEC. 2. (a) The Commission shall be composed of an appropriate number of members appointed by the President from the Department of State and other appropriate Federal departments and agencies. The President shall designate one member as chairman and one member as co-chairman.

(b) Members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 3. The Commission shall appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this joint resolution. Such appointments shall be without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such compensation shall be fixed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

SEC. 4. The Commission is authorized to request directly from any Federal department or agency any information it deems necessary to carry out the provisions of this joint resolution, and to utilize the services and facilities of such department or agency; and each Federal department or agency is authorized to furnish such information, services, and facilities to the Commission upon request of the chairman to the extent permitted by law and within the limits of available funds.

SEC. 5. The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

SEC. 6. There are authorized to be appropriated such amounts, not in excess of $500,000 for any fiscal year, as are necessary to carry out the provisions of this joint resolution.

The material furnished by Mr. YARBOROUGH follows:

[From the New York (N.Y.) Times, Aug. 17, 1969]

POLLUTION GROWS AT TOKYO BEACHES—EVEN MANY POOLS CANNOT MEET HEALTH STANDARDS

TOKYO, August 16.—When the mercury rises to 93 degrees in humid, smoggy Tokyo, as it did last Sunday, an obvious place to go would be a swimming pool or a beach.

But the easily reached Shonan resort area south of Yokohama, which includes central Japan's most popular beaches, had only half the attendances of previous years. Highways and trains were crowded with city dwellers going farther afield for weekend recreation.

The relatively low turnout at the long sweep of gray sand beaches along scenic Sagami Bay—where United States military forces were tentatively scheduled to make an invasion landing in 1945—was attributed largely to water pollution.

Japan's rapid industrialization has turned many of the best beaches into dumps of filth and harbors of germs. The low level of sanitation prompted the Health and Welfare Ministry to announce early in the summer that most beaches near Tokyo, Yokohama and other big cities were not suited for swimming.

POOLS ALSO CALLED UNCLEAN

Many company and hotel pools in Tokyo are also unsuitable. Tokyo's Public Health Bureau announced last week after a survey

in which more than half of the 33 pools inspected failed to meet standards set by the Government. Tokyo, which swelters through a long humid summer, has a total of 1,665 public and private pools.

The Health Ministry warning in June described most of the 48 beaches in the Shonan area as filthy.

Government health officials have set three categories of sanitary standards. A count of up to 10,000 coliform bacteria per 100 milliliters (3.38 fluid ounces) is considered standard; from 10,000 to 50,000 tolerable; and anything more than 50,000 unsuitable for human immersion. At several of the popular nearby beaches, the count has frequently reached 100,000 to 300,000 this summer.

The Government of Kanagawa Prefecture, which includes most of the popular resorts, announced last week that the water now contained fewer germs—less than 10,000 per milliliter—as a result of disinfection measures. At the Enoshima beach, which the Health Department termed the most contaminated, the number of colitis germs was less than 5 per cent of the high level reported last year, the prefectural office said.

"GERM SCARE" WIDESPREAD

But apparently the announcement will make little difference. The "germ scare" already has affected many beachgoers. Beaches in the Shonan area have been less than two-thirds as crowded this year as in the past while other "clean" beaches—those farther to the south and those to the north of Tokyo Bay—have had record crowds despite an unusually rainy summer.

Officials say the pollution of sea water has been caused mainly by wastes from chemical plants and homes that, discharged into rivers, ultimately find their way to the open sea.

The Health and Welfare Ministry has instructed Tokyo, Kanagawa and other prefectures to take steps to remove the causes of pollution. Legislation giving the Government stronger power to deal with pollution problems was submitted to this year's session of Parliament but was shelved when the sitting ended last week amid sharp political clashes.

NEW YORK STANDARDS HIGHER

The New York City Health Department rates beaches as unsuitable for bathing if the coliform bacteria count rises above 2,400 per 100 milliliters. In accordance with this standard, Staten Island's South Beach was rated unacceptable with a count of 18,200. Typical ratings at acceptable beaches were 1,710 at Manhattan Beach and 1,140 at Ocean Parkway Beach.

[From Time magazine, Aug. 15, 1969]

SHOCK AT SEA

When the Norwegian author-explorer Thor Heyerdahl sailed across half the Pacific on a balsawood raft 22 years ago, he recalls, "We on *Kon Tiki* were thrilled by the beauty and purity of the ocean." During his recent attempt to sail from Africa to Central America in a boat made of papyrus reeds, which he was forced to abandon last month 600 miles from his goal, Heyerdahl's old thrill was replaced by shock. In Manhattan last week, he reported to the Norwegian Mission at the United Nations: "Large surface areas in mid-ocean as well as nearer the continental shores on both sides were visibly polluted by human activity."

Heyerdahl and his six-man crew were astonished and depressed by the quantity of jetsam bobbing hundreds of miles from land. Almost every day, plastic bottles, squeeze tubes and other signs of industrial civilization floated by the expedition's leaky boat. What most appalled Heyerdahl were sheets of "pelagic particles." At first he assumed that his craft was in the wake of an oil tanker that had just cleaned its tanks. But on five occasions he ran into the same substances covering the water so thickly, he told Time Researcher Nancy Williams, that "it was unpleasant to dip our toothbrushes into the sea. Once the water was too dirty to wash our dishes in."

The particles, some of which Heyerdahl collected for later analysis, are roughly the size of a pea. Oily and sometimes encrusted with tiny barnacles they smell like a combination of putrefying fish and raw sewage. Heyerdahl hopes that his experience will stir the U.N. to propose new international regulations to keep the oceans clean. "Modern man seems to believe that he can get everything he needs from the corner drugstore," says the explorer. "He doesn't understand that everything has a source in the land or sea, and that he must respect those sources. If the indiscriminate pollution continues, we will be sawing off the branch we are sitting on."

[From the Dallas (Tex.) Times-Herald, Sept. 24, 1969]

OCEAN POLLUTION WORRIES ICELAND

UNITED NATIONS.—Iceland has warned that stock of fish in the North Atlantic is diminishing because of pollution, mainly caused by oil leaks.

Iceland's foreign minister, Emil Johnson, told the General Assembly Tuesday the international community must "decide upon an effective and just regime for the sub-oceanic areas, whose resources must be harvested for the benefit of all mankind."

[From Bioscience, September 1968]

THE EFFECTS OF PESTICIDES

(By William A. Niering, professor of botany and director of the Connecticut Arboretum, Connecticut College)

The dramatic appearance of Rachel Carson's *Silent Spring* (1962) awakened a nation to the deleterious effects of pesticides. Our technology had surged ahead of us. We had lost our perspective on just how ruthlessly man can treat his environment and still survive. He was killing pesty insects by the trillions, but he was also poisoning natural ecosystems all around him. It was Miss Carson's mission to arrest this detrimental use of our technological achievements. As one might have expected, she was criticized by special vested industrial interests and, to some degree, by certain agricultural specialists concerned with only one aspect of our total environment. However, there was no criticism, only praise, from the nation's ecosystematically oriented biologists. For those who found *Silent Spring* too dramatic an approach to the problem, the gap was filled two years later by *Pesticides and the Living Landscape* (1964) in which Rudd further documented Miss Carson's thesis but in more academic style.

The aim of this chapter is to summarize some of the effects of two pesticides—insecticides and herbicides—on our total environment, and to point up research and other educational opportunities for students of environmental science. The insecticide review will be based on representative studies from the literature, whereas the herbicide review will represent primarily the results of the author's research and experience in the Connecticut Arboretum at Connecticut College. Although some consider this subject controversial, there is really no controversy in the mind of the author—the issue merely involves the sound ecological use of pesticides only where necessary and without drastically contaminating or upsetting the dynamic equilibrium of our natural ecosystems. I shall not consider the specific physiological effects of pesticides, but rather their effects on the total environment—plants, animals, soil, climate, man—the biotic and abiotic aspects.

Environmental science or ecosystematic thinking should attempt to coordinate and integrate all aspects of the environment. Although ecosystems may be managed, they must also remain in a relative balance or dynamic equilibrium, analogous to a spider's web, where each strand is intimately interrelated and interdependent upon every other strand.

THE IMPACT OF INSECTICIDES

Ecologists have long been aware that simplifying the environment to only a few species can precipitate a catastrophe. Our highly mechanized agricultural operations, dominated by extensive acreages of one crop, encourage large numbers of insect pests. As insurance against insect damage, vast quantities of insecticides are applied with little regard for what happens to the chemical once it is on the land. Prior to World War II, most of our insecticides were non-persistent organics found in the natural environment. For example, the pyrethrins were derived from dried chrysanthemum flowers, nicotine sulphate from tobacco, and rotenone from the tropical derris plants. However, research during World War II and thereafter resulted in a number of potent persistent chlorinated hydrocarbons (DDT, dieldrin, endrin, lindane, chlordane, heptachlor and others) to fight the ever-increasing hordes of insects, now some 3000 species plaguing man in North America.

In 1964, industries in the United States produced 783 million lbs. of pesticides, half insecticides and the other half herbicides, fungicides and rodenticides. The application of these chemicals on the nation's landscape [1] has now reached the point where one out of every ten acres is being sprayed with an average of 4 lbs. per acre (Anonymous, 1966).

POSITIVE EFFECTS ON TARGET ORGANISMS

That market yields and quality are increased by agricultural spraying appears to have been well documented. Data from the National Agricultural Chemical Association show net increased yields resulting in from $5.00 to $100.00 net gains per acre on such crops as barley, tomatoes, sugar beets, pea seed, and cotton seed. However, Rudd (1964) questions the validity of these figures, since there is no explanation just how they were derived. His personal observations on the rice crop affected by the rice leaf miner outbreak in California are especially pertinent. The insect damage was reported as ruining 10% to 20% of the crop. He found this to be correct for some fields, but most of the fields were not damaged at all. In this situation, the facts were incorrect concerning the pest damage. It appears that not infrequently repeated spraying applications are merely insurance sprays and in many cases actually unnecessary. Unfortunately, the farmer is being forced to this procedure in part by those demanding from agriculture completely insect-free produce. This has now reached ridiculous proportions. Influenced by advertising, the housewife now demands perfect specimens with no thought of or regard for how much environmental contamination has resulted to attain such perfection. If we could relax our standards to a moderate degree, pesticide contamination could be greatly reduced. Although it may be difficult to question that spraying increases yields and quality of the marketable products, there are few valid data available on how much spraying is actually necessary, how much it is adding to consumer costs, what further pests are aggravated by spraying, and what degree of resistance eventually develops.

NEGATIVE EFFECTS ON NONTARGET ORGANISMS

Although yields may be increased with greater margins of profit, according to available data, one must recognize that these chemicals may adversely affect a whole spectrum of nontarget organisms not only where applied but possibly thousands of miles from

[1] Dr. George Woodwell estimates that there are 1 billion lbs. of DDT now circulating in the hemisphere.

the site of application. To the ecologist concerned with the total environment, these persistent pesticides pose some serious threats to our many natural ecosystems. Certain of these are pertinent to review.

1. Killing of nontarget organisms. In practically every spray operation, thousands of nontarget insects are killed, many of which may be predators on the very organisms one is attempting to control. But such losses extend far beyond the beneficial insects. In Florida, an estimated 1,117,000 fishes of at least 30 species (20 to 30 tons), were killed with dieldrin, when sand flies were really the target organism. Crustaceans were virtually exterminated—the fiddler crabs survived only in areas missed by the treatment (Harrington and Bidlingmayer, 1958).

In 1963, there was a "silent spring" in Hanover, New Hampshire. Seventy per cent of the robin population—350 to 400 robins—was eliminated in spraying for Dutch elm disease with 1.9 lb. per acre DDT (Wurster et al., 1965). Wallace (1960) and Hickey and Hunt (1960) have reported similar instances on the Michigan State University and University of Wisconsin campuses. Last summer, at Wesleyan University, my students observed dead and trembling birds following summer applications of DDT on the elms. At the University of Wisconsin campus (61 acres), the substitution of methoxychlor has resulted in a decreased bird mortality. The robin population has jumped from three to twenty-nine pairs following the change from DDT to methoxychlor. Chemical control of this disease is often overemphasized, with too little attention directed against the sources of elm bark beetle. Sanitation is really the most important measure in any sound Dutch elm disease control program (Matthysse, 1959).

One of the classic examples involving the widespread destruction of nontarget organisms was the fire ant eradication program in our southern states. In 1957, dieldrin and heptochlor were aerially spread over two and one-half million acres. Wide elimination of vertebrate populations resulted; and recovery of some populations is still uncertain (Rudd, 1964). In the interest of science, the Georgia Academy of Science appointed an ad hoc committee to evaluate this control-eradication program (Bellinger et al., 1965). It found that reported damage to crops, wildlife, fish, and humans had not been verified, and concluded, furthermore, that the ant is not really a significant economic pest but a mere nuisance. Here was an example where the facts did not justify the federal expenditure of $2.4 million in indiscriminate sprays. Fortunately, this approach has been abandoned, and local treatments are now employed with Mirex, a compound with fewer side effects. Had only a small percentage of this spray expenditure been directed toward basic research, we might be far ahead today in control of the fire ant.

2. Accumulation in the food chain. The persistent nature of certain of these insecticides permits the chemical to be carried from one organism to another in the food chain. As this occurs, there is a gradual increase in the biocide at each higher trophic level. Many such examples have been reported in the literature. One of the most striking comes from Clear Lake, California, where a 46,000-acre warm lake, north of San Francisco, was sprayed for pesty gnats in 1949, 1954, and 1957, with DDD, a chemical presumably less toxic than DDT. Analyses of the plankton revealed 250 times more of the chemical than originally applied, the frogs 2000 times more, sunfish 12,000, and the grebes up to an 80,000-fold increase (Cottam, 1965; Rudd, 1964). In 1954 death among the grebes was widespread. Prior to the spraying, a thousand of these birds nested on the lake. Then for 10 years no grebes hatched. Finally, in 1962, one nestling was observed, and the following year three. Clear Lake is popular for sports fishing, and the flesh of edible fish now caught reaches 7 ppm, which is above the maximum tolerance level set by the Food and Drug Administration.

In an estuarine ecosystem, a similar trend has been reported on the Long Island tidal marshes, where mosquito control spraying with DDT has been practiced for some 20 years (Woodwell et al., 1967). Here the food chain accumulation shows plankton 0.04 ppm, shrimp 0.16 ppm, minnows 1 to 2 ppm, and ring-billed gull 75.5 ppm. In general, the DDT concentrations in carnivorous birds were 10 to 100 times those in the fish they fed upon. Birds near the top of the food chain have DDT residues about a million times greater than concentration in the water. Pesticide levels are now so high that certain populations are being subtly eliminated by food chain accumulations reaching toxic levels.

3. Lowered reproductive potential. Considerable evidence is available to suggest a lowered reproductive potential, especially among birds, where the pesticide occurs in the eggs in sufficient quantities either to prevent hatching or to decrease vigor among the young birds hatched. Birds of prey, such as the bald eagle, osprey, hawks, and others, are in serious danger. Along the northeast Atlantic coast, ospreys normally average about 2.5 young per year. However, in Maryland and Connecticut, reproduction is far below this level. In Maryland, ospreys produce 1.1 young per year and their eggs contain 3 ppm DDT, while in Connecticut, 0.5 young ospreys hatch and their eggs contain up to 5.1 ppm DDT. These data indicate a direct correlation between the amount of DDT and the hatchability of eggs—the more DDT present in the eggs, the fewer young hatched (Ames, 1966). In Wisconsin, Keith (1964) reports 38% hatching failure in herring gulls. Early in the incubation period, gull eggs collected contained over 200 ppm DDT and its cogeners. Pheasant eggs from DDT-treated rice fields compared to those from unsprayed lands result in fewer healthy month-old chicks from eggs taken near sprayed fields. Although more conclusive data may still be needed to prove that pesticides such as DDT are the key factor, use of such compounds should be curtailed until it is proved that they are not the causal agents responsible for lowering reproductive potential.

4. Resistance to sprays. Insects have a remarkable ability to develop a resistance to insecticides. The third spray at Clear Lake was the least effective on the gnats, and here increased resistance was believed to be a factor involved. As early as 1951, resistance among agricultural insects appeared. Some of these include the codling moth on apples, and certain cotton, cabbage, and potato insects. Over 100 important insect pests now show a definite resistance to chemicals (Carson, 1962).

5. Synergistic effects. The interaction of two compounds may result in a third much more toxic than either one alone. For example, Malathion is relatively "safe" because detoxifying enzymes in the liver greatly reduce its toxic properties. However, if some compound destroys or interrupts this enzyme system, as certain organic phosphates may do, the toxicity of the new combination may be increased greatly. Pesticides represent one of many pollutants we are presently adding to our environment. These subtle synergistic effects have opened a whole new field of investigation. Here students of environmental science will find many challenging problems for future research.

6. Chemical migration. After two decades of intensive use, pesticides are now found throughout the world, even in places far from any actual spraying. Penguins and crab-eating seals in the Antarctic are contaminated, and fish far off the coasts of four continents now contain insecticides ranging from 1 to 300 ppm in their fatty tissues (Anonymous, 1966).

The major rivers of our nation are contaminated by DDT, endrin, and dieldrin, mostly in the parts per trillion range. Surveys since 1957 reveal that dieldrin has been the main pesticide present since 1958. Endrin reached its maximum, especially in the lower Mississippi River, in the fall of 1963 when an extensive fish kill occurred and has since that time decreased. DDT and its cogeners, consistently present since 1958, have been increasing slightly (Breidenbach et al., 1967).

7. Accumulation in the ecosystem. Since chlorinated hydrocarbons like DDT are not readily broken down by biological agents such as bacteria, they may not only be present but also accumulate within a given ecosystem. On Long Island, up to 32 lb. of DDT have been reported in the marsh mud, with an average of 13 lb. presumed to be correlated with the 20 years of mosquito control spraying (Woodwell et al., 1967). Present in these quantities, burrowing marine organisms and the detritus feeders can keep the residues in continuous circulation in the ecosystem. Many marine forms are extremely sensitive to minute amounts of insecticides. Fifty per cent of a shrimp population was killed with endrin 0.6 parts per billion (ppb). Even 1 ppb will kill blue crabs within a week. Oysters, typical filter feeders, have been reported to accumulate up to 70,000 ppm. (Loosanoff, 1965). In Green Bay along Lake Michigan, Hickey and Keith (1964) report up to 0.005 ppm wet weight of DDT, DDE, and DDD in the lake sediments. Here the accumulation has presumably been from leaching or run-off from surrounding agricultural lands in Door County, where it is reported that 70,000 pounds of DDT are used annually. Biological concentration in Green Bay is also occurring in food chain organisms, as reported at Clear Lake, California. Accumulation of biocides, especially in the food chain, and their availability for recycling pose a most serious ecological problem.

8. Delayed response. Because of the persistent nature and tendency of certain insecticides to accumulate at toxic levels in the food chain, there is often a delayed response in certain ecosystems subjected either directly or indirectly to pesticide treatment. This was the case at Clear Lake, where the mortality of nontarget organisms occurred several years after the last application. This is a particularly disturbing aspect, since man is often the consumer of those food chain organisms accumulating pesticide residues. In the general population, human tissues contain about 12 ppm DDT-derived materials. Those with meatless diets, and the Eskimos, store less; however, agricultural applicators and formulators of pesticides may store up to 600 ppm DDT or 1000 ppm DDT-derived components. Recent studies indicate that dieldrin and lindane are also stored in humans without occupational exposure (Durham, 1965). The possibility of synergistic effects involving DDT, dieldrin, lindane, and other pollutants to which man is being exposed may result in unpredictable hazards. In fact, it is now believed that pesticides may pose a genetic hazard. At the recent conference of the New York Academy of Science, Dr. Onsy G. Fahmy warned that certain chlorinated hydrocarbons, organophosphates and carbamates were capable of disrupting the DNA molecule. It was further noted that such mutations may not appear until as many as 40 generations later. Another scientist, Dr. M. Jacqueline Verrett, pointed out that certain fungicides (folpet and captan) thought to be nontoxic have chemical structures similar to thalidomide.

We are obviously dealing with many biological unknowns in our widespread use of presumably "safe" insecticides. We have no assurance that 12 ppm DDT in our human

tissue, now above the permissible in marketable products for consumption, may not be resulting in deleterious effects in future generations. As Rudd warns (1964): ". . . it would be somewhat more than embarrassing for our 'experts' to learn that significant effects do occur in the long term. One hundred and eight million human guinea pigs would have paid a high price for their trust."

Of unpredicted delayed responses, we have an example in radiation contamination. In the Bravo tests on Bikini in 1954, the natives on Rongelap Atoll were exposed to radiation assumed to be safe. Now more than a decade later, tumors of the thyroid gland have been discovered in the children exposed to these presumably safe doses (Woodwell et al., 1966). Pesticides per se or synergisms resulting from their interaction could well plague man in now unforeseen or unpredictable ways in the future.

THE SOUND USE OF HERBICIDES

In contrast to insecticides, herbicides are chemical weed-killers used to control or kill unwanted plants. Following World War II, the chlorinated herbicide 2, 4-D began to be used widely on broadleaf weeds. Later, 2, 4, 5-T was added, which proved especially effective on woody species. Today, over 40 weed-killers are available. Although used extensively in agriculture, considerable quantities are used also in aquatic weed control and in forestry, wildlife, and right-of-way vegetation management. Currently, large quantities are being used as defoliators in Vietnam.

Although herbicides in general are much safer than insecticides in regard to killing nontarget organisms and in their residual effects, considerable caution must be exercised in their proper use. One of the greatest dangers in right-of-way vegetation management is their indiscriminate use, which results in habitat destruction. Drift of spray particles and volatility may also cause adverse effects on nontarget organisms, especially following indiscriminate applications. In the Connecticut Arboretum, shade trees have been seriously affected as a result of indiscriminate roadside sprays (Niering, 1959). During the spring of 1957, the town sprayed the marginal trees and shrubs along a roadside running through the Arboretum with 2, 4–D and 2, 4, 5–T (1 part chemical: 100 parts water). White oaks overarching the road up to 2 feet in diameter were most seriously affected. Most of the leaves turned brown. Foliage of scarlet and black oaks of similar size exhibited pronounced leaf curling. Trees were affected up to 300 feet back from the point of application within the natural area of the Arboretum. White oak twigs near the sprayed belt also developed a striking weeping habit as twig elongation occurred—a growth abnormality still conspicuous after 10 years.

The effectiveness of the spray operation in controlling undesirable woody growth indicated a high survival of unwanted tree sprouts. Black birch and certain desirable shrubs were particularly sensitive. Shrubs affected were highly ornamental forms often planted in roadside beautification programs. The resulting ineffectiveness of the spray operation was indicated by the need for cutting undesirable growth along the roadside the following year.

In the agricultural use of herbicides, drift effects have been reported over much greater distances. In California, drift from aerial sprays has been reported up to 30 miles from the point of application (Freed, 1965).

Although toxicity of herbicides to nontarget organisms is not generally a problem, it has been reported in aquatic environments. For example, the dimethylamine salt of 2, 4-D is relatively safe for bluegill at 150 ppm, but the butyl, ethyl, and isopropyl esters are toxic to fish at around 1 ppm (R. E. Johnson, personal communication). Studies of 16 aquatic herbicides on *Daphnia magna*, a microcrustracean, revealed that 2, 4-D (specific derivative not given) seemed completely innocuous but that several others (Dichlone, a quinone; Molinate, a thiolcarbamate; Propanil, an anilide; sodium arsenite and Dichlopenil, a nitrile) could present a real hazard to this lower food chain organism (Crosby and Tucker, 1966).

Effects on rights-of-way. The rights-of-way across our nation comprise an estimated 70,000,000 acres of land, much of which is now subjected to herbicide treatment (Niering, 1967). During the past few decades, indiscriminate foliar applications have been widespread in the control of undesirable vegetation, erroneously referred to as brush (Goodwin and Niering, 1962). Indiscriminate applications often fail to root-kill undesirable species, therefore necessitating repeated retreatment, which results in the destruction of many desirable forms. Indiscriminate sprays are also used for the control of certain broadleaf weeds along roadsides. In New Jersey, 19 treatments were applied during a period of 6 years in an attempt to control ragweed (Dill, 1963). This, of course, was ecologically unsound, when one considers that ragweed is an annual plant typical of bare soil and that repeated sprayings also eliminate the competing broadleaved perennial species that, under natural successional conditions, could tend to occupy the site and naturally eliminate the ragweed. Broadcast or indiscriminate spraying can also result in destruction of valuable wildlife habitat in addition to the needless destruction of our native flora—wildflowers and shrubs of high landscape value.

Nonselective spraying, especially along roadsides, also tends to produce a monotonous grassy cover free of colorful wildflowers and interesting shrubs. It is economically and aesthetically unsound to remove these valuable species naturally occurring on such sites. Where they do not occur, highway beautification programs plant many of these same shrubs and low-growing trees.

Recognizing this nation-wide problem in the improper use of herbicides, the Connecticut Arboretum established, over a decade ago, several right-of-way demonstration areas to serve as models in the sound use of herbicides (Niering, 1955; 1957; 1961). Along two utility rights-of-way and a roadside crossing the Arboretum, the vegetation has been managed following sound ecological principles, as shown in Figures 3 and 4 (Egler, 1954; Goodwin and Niering, 1959; Niering, 1958). Basic techniques include basal and stump treatments. The former involves soaking the base of the stem (root collar) and continuing up the stem for 12 inches; the stump technique involves soaking the stump immediately after cutting. Effective formulations include 2, 4, 5-T in a fuel oil carrier (1 part chemical: 20 parts oil). Locally, stem-foliage sprays may be necessary, but the previous two techniques form the basic approach in the selective use of weed-killers. They result in good root-kill and simultaneously preserve valuable wildlife habitat and aesthetically attractive native species, all at a minimum of cost to the agency involved when figured on a long-range basis. In addition to these gains, the presence of good shrub cover tends to impede tree invasion and to reduce future maintenance costs (Pound and Egler, 1953; Niering and Egler, 1955).

Another intriguing use of herbicides is in naturalistic landscaping. Dr. Frank Egler conceived this concept of creating picturesque natural settings in shrubby fields by selectively eliminating the less attractive species and accentuating the ornamental forms (Kenfield, 1966). At the Connecticut Arboretum we have landscaped several such areas (Niering and Goodwin, 1963). The one shown in Figure 5 was designed and created by students. This approach has unlimited application in arresting vegetation development and preserving landscapes that might disappear under normal successional or vegetational development processes.

Future Outlook

Innumerable critical moves have recently occurred that may alter the continued deterioration of our environment. Secretary Udall has banned the use of DDT, chlordane, dieldrin, and endrin on Department of the Interior lands. The use of DDT has been banned on state lands in New Hampshire and lake trout watersheds in New York State; in Connecticut, commercial applications are limited to dormant sprays. On Long Island, a temporary court injunction has been granted against the Suffolk County Mosquito Control Board's use of DDT in spraying tidal marshes. The Forest Service has terminated the use of DDT, and in the spring of 1966 the United States Department of Agriculture banned the use of endrin and dieldrin. Currently, the Forest Service has engaged a toplevel research team in the Pacific Southwest to find chemicals highly selective to individual forest insect pests and that will break down quickly into harmless components. The Ribicoff hearing, which has placed Congressional focus on the problem of environmental pollution and Gaylord Nelson's bill to ban the sale of DDT in the United States are all enlightened endeavors at the national level.

The United States Forest Service has a selective program for herbicides in the National Forests. The Wisconsin Natural Resources Committee has instituted a selective roadside right-of-way maintenance program for the State. In Connecticut, a selective approach is in practice in most roadsides and utility spraying.

Although we have considerable knowledge of the effects of biocides on the total environment, we must continue the emphasis on the holistic approach in studying the problem and interpreting the data. Continued observations of these occupationally exposed and of residents living near pesticide areas should reveal invaluable toxicological data. The study of migrant workers, of whom hundreds have been reported killed by pesticides, needs exacting investigation.

The development of more biological controls as well as chemical formulations that are specific to the target organism with a minimum of side effects needs continuous financial support by state and federal agencies and industry. Graduate opportunities are unlimited in this field.

As we look to the future, one of our major problems is the communication of sound ecological knowledge already available rather than pseudoscientific knowledge to increase the assets of special interest groups (Egler, 1964; 1965; 1966). The fire ant fiasco may be cited as a case in point. And as Egler (1966) has pointed out in his fourth most recent review of the pesticide problem: ". . . 95% of the problem is not in scientific knowledge of pesticides but in scientific knowledge of human behavior. . . . There are power plays . . . the eminent experts who deal with parts not ecological wholes."

One might ask, is it really good business to reduce the use of pesticides? Will biological control make as much money? Here the problem integrates political sciences, economics, sociology, and psychology. Anyone seriously interested in promoting the sound use of biocides must be fully cognizant of these counter forces in our society. They need serious study, analysis, and forthright reporting in the public interest. With all we know about the deleterious effects of biocides on our environment, the problem really challenging man is to get this scientific knowledge translated into action through the sociopolitical pathways available to us in a free society. If we fail to communicate

a rational approach, we may find that technology has become an invisible monster as Egler has succinctly stated (1966).

Pesticides are the greatest single tool for simplifying the habitat ever conceived by the simple mind of man, who may yet prove too simple to grasp the fact that he is but a blind strand of an ecosystem web, dependent not upon himself, but upon the total web, which nevertheless he has the power to destroy.

Here environmental science can involve the social scientist in communicating sound science to society and involve the political scientist in seeing that sound scientific knowledge is translated into reality. Our survival on this planet may well depend on how well we can make this translation.

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[From Environmental Science and Technician, September 1969]

POLLUTION SHUTS DOWN PHOSPHORUS PLANT, CLEANUP OF POLLUTED WATERWAY PROVES COSTLY FOR CANADIAN FIRM

In December, 1968, Electric Reduction of Canada, Ltd. (ERCO), started up the first of two furnaces at its new phosphorus plant beside Long Harbour in Newfoundland. The plant, which produces phosphorus by electric furnace roasting of phosphate rock (fluoroapatite) with silica and coke, was located in Newfoundland partly because of the availability of cheap electricity in the province, the result of several large hydroelectric projects in Canada's maritime provinces.

Although the eventual capacity of the plant was planned at 50,000 tons per year, the second furnace never came on stream. A series of events which had much of eastern Canada on its ear took place in quick succession. First, a spill occurred while a specially designed tanker was being loaded with phosphorus for delivery to Albright and Wilson, ERCO's parent company in England. The actual extent of this spill has not been revealed, but it was of sufficient magnitude to result in the company's installing hydrocyclones to remove phosphorus from the plant effluent, reportedly running into the sea at a rate of around 8000 g.p.m. Apparently, the spill made ERCO management wary of possible pollution, although installation of the hydrocyclones presumably would have no effect on a loading spill.

FISH KILL

Early in 1969, fishermen in Placentia Bay, the 40 mile wide body of salt water into which 2 mile wide Long Harbour empties, started to notice dead fish. Since the Newfoundland coast is a prime region for commercial fisheries—herring, cod, and lobster are the main commercial species—it was not long before the federal Ministry of Fisheries was called in to investigate. In May, ERCO voluntarily shut down the plant. The Canadian investigation team, headed by D. R. Idler of the federal Fisheries Research Board laboratory (Halifax, Nova Scotia) discovered that the fish had died from, among other things, rupture of the red blood cells. Phosphorus content in the fish was very low as, for that matter, was the phosphorus content of the harbor water.

However, phosphorus is extremely insoluble in water, and investigation revealed that the floor of the harbor near the plant outfall was covered with a layer of sludge high in phosphorus content. It has been suggested that bottom feeding fish such as herring might have stirred up and then ingested the phosphorus. The Fisheries team closed Placentia Bay to fishing (it has since been reopened partially) and worked closely with ERCO to find a solution to the problem.

This solution is proving to be very costly for the company. ERCO has agreed to treat all its wastes before any water is discharged. (An estimate of the pre-closure level of phosphorus discharge is ½–1 ton per day). Toward this end, the company is further testing hydrocyclones. If these measures do not succeed, ERCO will have to lagoon all its liquid wastes. The company has undertaken dredging of the bottom of Long Harbour to remove the phosphorus impregnated sludge, reportedly spending $1 million on this phase alone. The procedure involves use of a special suction dredge and settling out of the sludge in settling ponds with a total volume of almost 4 million cubic feet.

LESSONS FROM THE DAMAGE

The cleanup work is still going on, but the damage, in terms both of destruction of fish and of ERCO's profits (to say nothing of the company's public image) has been done. Still, there are lessons to be learned from this unhappy tale:

The people of Newfoundland have discovered that new industry brings with it new problems as well as new jobs.

The Electric Reduction Co. has learned that it is more expensive to have to treat pollution problems after opening a plant than to do so before. Emergency operations, overtime rates of pay, and a hostile public are not conducive to healthy and prosperous business.

Perhaps, the most optimistic reflection on the whole incident is made by the Fisheries Research Board's Idler who says. "In the past two or three months we have learned more about the effect of phosphorus on marine life than exists in the entire literature."

[From New Scientist, Dec. 12, 1968]

THE MENACE OF MERCURY

(By Dr. A. Jernelov, head of the Swedish Air and Water Pollution Research Laboratory, Stockholm)

Methyl-mercury was prohibited as a seed-dressing in Sweden in 1966, after mercury poisoning had threatened the very existence of some species of birds. Since that time the mercury content of birds' feathers has been declining. But the situation is still serious with regard to fish, and birds which eat fish. Mercury compounds in factory effluents are being converted by aquatic microorganisms to methyl-mercury, which can build up to dangerous levels in fish.

The story began about 10 years ago in Japan, when a mysterious illness occurred among fishermen and their families around Minamata Bay. The first symptoms of the illness were numbness of the extremities and lips; tunnel-vision; and ataxia. In 1960 it was shown that "Minamata disease" was caused by methyl-mercury passed on from fish and shellfish caught in the bay. The source of the mercury eventually turned out to be the effluent of a factory producing acetaldehyde.

Most of the mercury in the effluent was in the form of metallic mercury and inorganic divalent mercury but there were also small amounts of methyl-mercury. These mercury compounds, especially methyl-mercury, were being concentrated in the tissues of the marine organisms and further enriched by accumulation in their natural predators, thus passing up the food chain. In this way, the concentration of mercury (chiefly as methyl-mercury) in the organisms used as human food reached 20–50 ppm on a fresh weight basis. Several persons suffered serious damage to the central nervous system after consuming heavy meals of fish with this concentration of methyl-mercury. Many of these cases were fatal and foetal damage occurred in pregnant women who themselves appeared to be unaffected.

In 1965, similar cases of methyl-mercury toxicity from fish and shellfish occurred at Agano River in Niigata. The source of mercury in this instance was also a factory making aceteldehyde, where again methylation of some of the mercury used as a catalyst occurred in the factory. Thanks to experience in Minamata, an early diagnosis was made; the source of mercury was detected and the effluent stopped. To avoid further occurrences, the Japanese authorities have temporarily prohibited fishing in two more rivers and they have started a careful investigation of 194 industries handling mercury.

In addition to the mercury in factory effluents, the intensive use of organo-mercury compounds in Japanese agriculture increased the amounts of mercury in food. Rice, the predominant food of the country, contained an average of 0.1 ppm mercury in 1967. After this time the agricultural use of organo-mercury compounds was banned in Japan.

In Sweden, methyl-mercury was introduced in the 40's as a seed dressing. By the late 50's, the number of reported cases of mercury toxicity in wildlife had increased dead specimens of mammals and birds were shown to contain high levels of mercury. By the early 60's the very existence of some seed-eating and predatory bird-species was claimed to be threatened by mercury poisoning.

Museum specimens of predatory birds at the end of a terrestrial food chain were analyzed for mercury. Early specimens, from the period 1820–1940, showed a relatively constant and comparatively low content of methyl-mercury in their feathers. From the late 50's, however, there was a sudden, rapid rise in the concentration of mercury. Today the decrease in the mercury content of the feathers of these birds, is almost certainly due to the fact that in 1966 the use of methyl-mercury in seed dressings was banned.

Birds at the end of aquatic food chains, however, show quite a different picture. Mercury levels started rising about 1890 and from that time on, they have been steadily increasing. These birds live on fish and it has been shown that fish in some areas contain high amounts of mercury almost entirely in the methyl form. This is of interest because the chief sources of mercury are chlorine factories and paper- and pulp-industries, where the effluents contain inorganic mercury and phenyl mercury respectively. These mercury compounds are now known to be converted to methyl-mercury by microorganisms in the bottom sediments of lakes, rivers and the sea. The methyl-mercury then accumulates in fish and other aquatic organisms. The highest mercury levels found in Swedish fish are about 10 ppm. Scientists now regard 0.2 ppm as a natural "background" level in freshwater fish.

To avoid cases of methyl-mercury poisoning from fish, the Swedish authorities have prohibited people selling or giving away fish from certain waters where the fish have been found to contain more than 1 ppm mercury. This limit is only provisional, pending further toxicological evaluation. In addition to this prohibition, the authorities have recommended that fish containing between 0.2 and 1 ppm mercury should not be eaten more than once a week.

It is known that methyl-mercury will pass the placental barrier in mammals and evidently can penetrate cell membranes. Thus, chromosomal abnormalities have been induced, by suppression of the mitotic spindle, for instance, giving rise to aneuploidy.

Are Sweden and Japan the only countries with high amounts of mercury in fish? It seems likely that the situation will be more or less similar in most other industrialized countries, judging by the many other possible industrial sources of mercury pollution.

[From the Conservation Foundation, Feb. 24, 1969]

A Report on Environmental Issues

U.N. VOTES TO HOLD CONFERENCE ON THE HUMAN ENVIRONMENT IN 1972

The United Nations General Assembly agreed unanimously December 3, 1968 to hold a UN Conference on the Human Environment in 1972. The exact time and place of the conference will be determined later.

Why such a UN conference? As the resolution introduced by Sweden and co-sponsored by 51 other nations declared:

Because of "the continuing and accelerating impairment of the quality of the human environment caused by . . . air and water pollution, erosion and other forms of soil deterioration, waste, noise and secondary effects of biocides, . . . accentuated by rapidly increasing population and accelerating urbanization."

Because of "the consequent effects on the condition of man, his physical, mental and social well-being, his dignity and his enjoyment of basic human rights, in developing as well as developed countries."

Because "increased attention to problems of the human environment is essential for sound economic and social development."

Because "intensified action at the national, regional and international level" is needed "to limit and, where possible, to eliminate the impairment of the human environment."

Because "a framework for comprehensive consideration within the United Nations of the problems of human environment" is needed "to focus the attention of governments and public opinion on the importance and urgency of this question" and "to identify those aspects . . . that can only, or best, be solved through international cooperation and agreement."

And because, as Sverker Astrom, Sweden's UN ambassador declared: "The risks inherent in the uncontrolled application of modern technology are very real and very frightening."

Or, quite simply and directly, as Rudolf D'Mello of India told the UN: "There is an environment crisis."

James Russell Wiggins, then U.S. ambassador to the UN, said the decision to hold the conference on the environment "will turn out to be the most momentous of all the decisions" made by the UN General Assembly in 1968. "It is historically important in itself, and in addition, it illuminates that continuing contribution which the United Nations is making to the betterment of mankind by its handling of the relatively non-controversial and non-political issues that have to do with the world's social and economic problems," he said.

Wiggins noted "we are dealing here with the life and death of the human family, and surely when the history of our age is written, and the records are studied a thousand years hence, the world will say of its decision of the General Assembly in 1968—it was about time."

Lord Caradon, the United Kingdom's ambassador to the UN, expressed a similar thought: "When we look back on the 23rd session of the Assembly in future years, we may remember it not for continued stalemate between east and west and north and south, but for a new initiative in which we came together from the four corners of the world to support an international initiative of incalculable consequence." He called the conference proposal "a question of worldwide importance on which there need be no deadlock unless we ourselves invent one."

WHAT NEXT?

Next step in the development of the conference will be a report by UN Secretary-General U Thant to the next session of the General Assembly, which opens the 2nd week in September in New York. To be routed through the UN's Economic and Social Council, which meets May–August, the report will cover:

A description of the nature, scope and progress of work presently being carried on "in the field of the human environment."

The "main problems facing developed and developing countries" in the environmental field which ought to be taken up at the 1972 conference, including possibilities for increased international cooperation.

Possible methods of preparing for the conference, a possible time and place for the conference, and the estimated cost of the conference.

The resolution also called on Secretary-General U Thant to consult with individual member nations of the UN, the UN's specialized agencies, intergovernmental agencies and non-governmental organizations in preparing his report. (CF's director of environmental studies, Raymond F. Dasmann, will work with the UN office of science and technology in preparation of this report.)

The 1969 session of the General Assembly would then presumably debate the report and decide on the time, place and content of the 1972 conference. While the decisions will not be made until the General Assembly session later this year, comments by various nations during consideration of the resolution indicate that the 1972 conference is likely to take this shape:

The conference on the human environment will probably last two or three weeks. It will not be a scientific meeting as such; instead, the conference will probably bring together governments, natural and social scientists, educators, businessmen, engineers, other opinion leaders to attempt to reach conclusions on the basis of available knowledge, make decisions and recommend action for a better environment. No new international agency or organization is contemplated. On the contrary, several nations made it abundantly clear that the conference will *not* result in the creation of any new body.

Environmental pollution problems will undoubtedly dominate the conference. Questions are likely to include what man, through his various institutions in the nations of the world and through the UN and other international organizations, can do about: air pollution; water pollution; long-lasting pesticides, fertilizers and other chemicals entering the environment; radioactive wastes; oil spills from tankers; the rising carbon dioxide content of the earth's atmosphere; noise pollution; disappearing plant and animal species; continuing crowding of the earth's human population into urban areas and the physical and psychological effects of uncontrolled urban growth.

Meanwhile, several speakers stressed that the decision to hold a conference in 1972 does not mean that nothing should take place in the meantime. On the contrary, several said the decision to hold the conference would and should stimulate and encourage work already underway in individual nations and by international bodies on environmental problems. "Indeed," said Wiggins, "let us all hope that governments will not wait for the conference of 1972 before taking energetic action to relieve and repair the wounds we have inflicted upon nature and upon ourselves. All in authority should surely act without delay to supply and apply the correctives that are already known. The period between now and 1972 should be one of ferment, not only of preparation for the conference but of practical action in every field; new scientific work, technical and administrative development, training of qualified manpower, public education and political decision."

What will come of all this? As expressed by many speakers, the hope is that the conference will focus man's attention on his impact on the environment and on the best and most economical ways of preventing further destruction of the environment. That it will stimulate efforts to regenerate environments already seriously damaged. And that it will help show developing nations how to prevent environmental degradation as they pursue industrial development.

As Lord Caradon put it so eloquently: The conference "must do no less than awaken the conscience of the world to the obligation to make our planet not only habitable but also congenial and even beautiful to future generations." The conference must be "an effective call to mankind to be a master and not a prisoner in his own planet."

SWEDEN'S RESOLUTION SUPPORTED BY 54 NATIONS

Sweden's resolution calling for a UN conference on the environment in 1972 attracted 51 co-sponsors. These nations were: Afghanistan, Algeria, Argentina, Australia, Austria, Canada, Colombia, Congo (Brazzaville), Denmark, El Salvador, Ethiopia, Finland, Guatemala, Iceland, India, Indonesia, Iran, Ireland, Italy, Ivory Coast, Jamaica, Kenya, Kuwait, Libya, Madagascar, Malta, Mexico, Morocco, Nepal, Nigeria, Norway, Pakistan, Panama, Philippines, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syria, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia and Zambia.

In addition, Cyprus, France and the USSR joined in the debate and supported the resolution. Zenon Rossides of Cyprus said his government would have cosponsored the resolution if it had provided for holding the conference at an earlier date. He urged 1971 because of the urgency of the problem but accepted 1972 when the Swedish ambassador explained that 1972 was the earliest year available for a UN conference and that "preparations for the conference will to a large extent serve the same purpose as the conference itself"—to draw attention to environmental problems and make nations and international organizations intensify and coordinate their work in these fields. France originally objected to the resolution, suggesting more preparation for such a "scientific conference."

However, said Edmond Wichelet of France, the importance of the problem and "the desire to ensure unanimity" led his government "to silence for the moment the procedural objections that it raised in the past." France therefore supported the resolution—but reserved its right "to return to this question, especially in the light of the estimates which will be submitted on the cost of the conference." (The UN estimated that implementation of the resolution would require an increase of $25,000 in its 1969 budget.)

The USSR kept its own counsel and did not announce its position until late in a speech by Lev Isaakovich Mendelevich. The Soviet representative then said his country supported the idea that the UN hold a conference on the problems of the human environment—but that adoption of the resolution "in no way should lead to the establishment under any guise of international control over the development of science and technology."

Mendelevich also used the occasion to denounce "monopoly capital" for "rapaciously exploiting the resources of the earth." He added that "on the basis of international cooperation one can to a certain extent limit the destructive influence of the capitalist economy and the results of its exploitation of nature."

He claimed that "only socialism . . . can create propitious conditions for the solutions of problems of the utilization and the protection of natural resources of the vegetable and animal world on a strictly scientific basis." But he conceded that "even under socialism those problems are not easy to solve; they require work, resources and concentrated effort."

UNESCO CONFERENCE HELPED STIMULATE AWARENESS OF ENVIRONMENTAL CRISIS

The UN decision to hold a conference on the environment in 1972 was preceded and encouraged by a conference convened by the United Nations Educational Scientific and Cultural Organization (UNESCO) in Paris last September.

Some 320 experts from 63 nations and 23 international organizations met from September 4 through September 13. Participants were primarily middle level government officials—scientists, administrators, and educators.

The conference objective: to show how science can help develop rational methods for the use and conservation of the resources of the biosphere, defined as that part of the world in which life can exist.

In truth, many delegates found the conference disappointing. Many observed that some prepared speeches were dull or self-serving—or both—and that too much time was wasted with addresses which repeated what most participants already knew presumably, or they wouldn't have been there.

One delegate pleaded that the conference tell developing nations how to control and avoid environmental pollution—now—so that progress would not be synonomous with pollution as has happened in developed countries. No one realistically expected the conference to answer the plea—and it didn't. For while there are scientific and technical answers to many pollution control problems, the application of available science and technology depends on political and economic decisions. But political and economic decision makers were sparse at the UNESCO conference. (Hopefully, they will attend the 1972 UN conference in force.)

Similarly, the conference begged the question of the impact upon the environment of world-wide population growth. (Dr. F. Fraser Darling, CF's vice president, shocked some at the conference when he said out loud that "the biggest danger of all is our inability to control the explosive rate of growth of human population." He suggested that "a real clamping down of this would lessen the all too frequent policy of expediency, bolstered by technology divorced from the philosophy of science.")

But strange as it might appear from the previous comments and despite its shortcomings, the UNESCO conference was important, and to a large degree successful, simply because it was held. It was the first time that any arm of the United Nations had devoted an international conference to the subject of conservation and the environment. Despite hedging over wording, the UNESCO conference helped build support for the proposed UN conference on the environment. (Despite the games played on the formal expression of such support, incidentally. One early proposal called for outright support by the UNESCO conference of the then only proposed idea that the UN hold a conference on the environment. For a variety of reasons—including fear by some countries about the costs to them of such a conference, lack of prior instructions from their governments, and politics and/or protocol within the UN family—the final recommendation was softened. It merely asked that the UN General Assembly, during its deliberations of the UN conference proposal in December, "take into consideration the recommendations" of the UNESCO conference and "consider the advisability of a universal declaration on the protection and betterment of the human environment.")

And the conference was also significant because is provided an international forum in which scientists and administrators from many nations joined together and served notice that environmental degradation is indeed a worldwide problem. That "there is an environment crisis," as the delegate from India was to tell the UN three months later.

The UNESCO conference's concluding statement summed up in these words: "It is now abundantly clear that national policies are mandatory if environmental quality is to be restored and preserved and land use planning is to have a sound base. . . . Awareness, is leading to concern, to the recognition that to a large degree, man now has the capability and responsibility to determine and guide the future course of his environment, and to the beginnings of national and international corrective actions. . . . Earnest and bold departures from the past will have to be taken nationally and internationally if significant progress is to be made. No man, no people, can travel this road alone. This recognition of the necessity of cooperative action has given the conference a spirit of optimism in the face of unprecedented challenge to man's wisdom and his goodwill."

The UNESCO conference was convened and organized by UNESCO, with the participation of the UN, the Food and Agriculture Organization, and the World Health Organization, and with the cooperation of the International Union for the Conservation of Nature and Natural Resources and the International Biological Program.

UNESCO PLANNING INTERNATIONAL CONSERVATION PROGRAM

The 1968 UNESCO biosphere conference produced 20 recommendations covering research, education, and policies and structures. The major recommendation was that in 1969 and 1970, UNESCO develop a plan for an international program for rational use and conservation of the biosphere. The plan is to be ready for consideration when UNESCO prepares its budgets for 1971 and 1972 activities.

In addition the UNESCO conference recommended:

That pollutants be identified and monitored on a world-wide basis.

That environmental considerations be built into international development projects.

That comprehensive research programs be undertaken on man's social and physiological adaptability to environmental change, and on resource use in a variety of ecosystems.

That nations improve ecological education in schools, colleges and universities, with the assistance of international organizations.

That nations and international organizations standardize methods of ecosystem research, inventory, and monitoring.

That the establishment of national parks and wildlife refuges, and protection of endangered species, be accelerated throughout the world.

That all nations, UN agencies and other international organizations help developing countries increase and apply their environmental knowledge.

Full text of the recommendations of the 1968 biosphere conference (ask for document SC/MD/9) and full text of "Conservation and Rational Use of the Environment," the basic working paper prepared for the conference by Raymond F. Dasmann, CF's director of environmental studies, are available from UNESCO, Place de Fontenoy, Paris 7e, France.

WHAT THE ENVIRONMENTAL CRISIS IS ALL ABOUT

How real is the environmental crisis? Consider the words of James Russell Wiggins, former editor of the Washington Post and then U.S. ambassador to the United Nations, in an address to the General Assembly, December 3, 1968:

The evidence of mankind's gathering environmental crisis does not have to be sought in books or in scholarly documents. City dwellers on every continent of this crowded earth see it, hear it, smell it, absorb it and suffer from it.

It is in our air—filled with the noxious fumes of factories, furnaces, builders, wreckers, trains, trucks, buses, boats, aircraft and automobiles by the scores of millions.

It is in our lakes and rivers—suffocated by fertilizers that drain from our farmlands, and polluted by an ever-growing flood of industrial, agricultural, and chemical wastes.

It is in our land—more and more of which is buried under the encroaching megalopolis, or poisoned by pesticides, or wounded by strip mining and timber cutting, or strewn with the ugly rubbish of our fabulous productivity. Despite tardy efforts to relieve these

conditions, they pose a rising threat to human well-being in every nation and community, at whatever stage of development.

In the last century, a mere tick or the celestial clock, we have loosed upon the earth such a mass of humanity and such a torrent of energy as to transform much of the earth beyond all recognition. For the first time, we are brought face to face with the stark facts that space upon this planet is finite, that the resources of this planet are exhaustible and are not easily renewed. We are made aware that by his sheer numbers and his heedless ingenuity, man can injure his environment so as to hasten his own extinction. We have not much time left in which to learn to proportion our population to available resources, and to become good enough trustees of our inherited wealth of air, water, earth, and forms of life so that our posterity may hope to survive in a condition better than bestial struggle.

And in words which might well serve as an agenda for action today as well as an agenda for the 1972 conference on the environment, Wiggins declared:

What are we going to do about long-lasting pesticides such as DDT, which are sprayed on crops at a rate of more than 100 million pounds a year? Minute concentrations of DDT can be lethal to fish and birds and to ocean plankton which are a vital link in the chain of life. DDT has been detected in places as remote as Antarctica. How can we prevent a rising level of such pollutants throughout the world?

What are we going to do about the rapidly rising quantities of inorganic nitrogen fertilizers, which drain from the farmlands of the world into lakes, rivers and estuaries and combine with urban sewage to rob those waters of their oxygen and their ability to support life? How can that pollution be curbed without hampering the world-wide effort to grow more food?

What are we going to do to prevent contamination by radioactive wastes from the growing number of nuclear power stations throughout the world? In the present generation, for the first time since the world began, all of us have been exposed to man-made sources of radiation whose effects are still not fully known.

What steps should we take to preserve the immense diversity of the earth's plant and animal species? It is that diversity which gives stability to the intricate balance of living nature in every environment. In the industrial century just past, over 70 species of mammals alone have been exterminated—more than in the previous 2,000 years of the world's history. Today some 1,000 other animal species face the same danger.

What are we going to do about the accidental spilling of oil from tankers and other ships? Since the Torrey Canyon disaster of 1967 there has been some advance methods of combating that menace, but such accidents continue to occur, with the devastating effect; and with the giant tankers of yesterday being dwarfed by the 300,000-ton monsters now coming off the ways, the potential for future disasters is very great.

And what are we going to do about the steadily rising burden of carbon dioxide in the earth's atmosphere? In the past hundred years, since fossil fuels began to be burned in huge quantities, atmospheric carbon dioxide has increased by close to 10%. That increase will probably total 25% by the year 2000, given the rapidly accelerating rate of fuel consumption. Will the resulting green-house effect cause a permanent warming of the earth's climate, and perhaps even a rise in the world sea level as the polar ice caps melt? No one is sure, though much of human destiny could depend on the answer.

One could mention many other problems common to industrial nations which will surely be considered by the conference on the human environment, such as the safe and economical disposal of solid wastes, the preservation of forests and ground cover, whose loss has been a prime cause of catastrophic floods in many lands, the ever-rising clamor of noise that surrounds our cities, our factories, our highways and our airports—and, not least important, the education of our children to respect and defend their environment, for without the support of public opinion nothing enduring can be achieved.

Consider too the words of Dr. Abel Wolman, professor emeritus, Johns Hopkins University, in a paper presented to the UNESCO biosphere conference in 1968:

Almost every country in the world has tried to meet the threats of water pollution by means of legislative actions. . . . The results, however, have been rather distressing throughout the world. It is by no means assumed that the legislative underpinning of administrative action is neither useful nor helpful, but reliance upon law alone is unrealistic. In some instances, in fact, rigid legislative requirements have sometimes served as opiates to administrative action. Unless decisions are accompanied by a strong climate of supporting public opinion, by adequate manpower for implementation and by financial resources, results are normally far from satisfying. . . .

The history of national legislation is replete with declarations of high aspiration unmatched anywhere by equally high implementation. Abatement has not been at a standstill. On the contrary, a great deal has been done, but not enough and not fast enough . . . In almost all countries the block to progress is not in deficient technology, but in competent personnel and, of course, in money . . . Considerations of national economic advantage have transcended the desire for abatement . . .

Human infestations with worms, transmitted mainly by polluted soil, in certain semi-tropical areas of the world are so massive that over half the food produced and consumed is metabolized by the parasitic worm population infesting man. Half the work of the sick peasantry therefore goes into the cultivation of food for the worms that make them sick. Soil pollution is not only the problem of the rural unsanitized areas of the world, but of the densely populated industrialized areas as well . . . It has been estimated that throughout the world hookworm still causes a daily blood loss equivalent to the total exsanguination of about 1.5 million people. While many feel that preventive medicine has proved successful in tropical areas in general, the success in the control of soil-transmitted helminths has lagged behind.

And finally, consider the comments of Dr. Rene Dubos of Rockefeller University in a paper prepared for the UNESCO conference in 1968:

Man can achieve some form of tolerance to environmental pollution, excessive environmental stimuli, crowded and competitive social contacts, the estragement of life from the natural biological cycles, and other consequences of life in the urban and technological world. This tolerance enables him to overcome effects that are unpleasant or traumatic when first experienced. But in many cases, it is achieved through organic and mental processes which may result in the chronic and degenerative disorders that so commonly spoil adult life and old age, even in the most prosperous countries.

Man can learn also to tolerate ugly surroundings, dirty skies, and polluted streams. He can survive even though he completely disregards the cosmic ordering of biological rhythms. He can live without the fragrance of flowers, the song of birds, the exhiliration of natural scenery and other biological stimuli of the natural world. Loss of amenities and elimination of the stimuli under which he evolved as a biological and mental being may have no obvious detrimental effect on his physical appearance or his ability to perform as part of the economic or technologic machine. The ultimate result, however, can be and often is an impoverishment of life, a progressive loss of the qualities that we identify with humaneness and weakening of physical and mental sanity. . . .

The pathetic weekend exodus to the country or beaches, the fireplaces in overheated city apartments, the sentimental attachment to animal pets or even to plants, testify to the persistence in many of biological and emotional hungers that developed during his evolutionary past and that he cannot outgrow. . . . Historical experience, especially during the 19th century, shows that urban populations are apt to develop ugly tempers when completely deprived of such contacts (with nature). Saving nature in both its wild and humanized aspects is thus an essential part of urban planning.

FOR FURTHER INFORMATION

A quick guide to some members of the U.N. family whose programs include and/or effect (to varying degrees) conservation-environmental activities and concerns:

International Atomic Energy Agency (IAEA), Karntnerring 11–13, Vienna 1, Austria.

International Labor Organization (ILO), CH–1211, Geneva 22, Switzerland.

Food and Agriculture Organization (FAO), Viale delle Terme di Carcalla, Rome, Italy.

United Nations Education, Scientific and Cultural Organization (UNESCO), Place de Fontenoy, Paris 7e, France.

World Health Organization (WHO), Palais des Nations, 1211 Geneva 10, Switzerland.

International Bank for Reconstruction and Development (World Bank or IBRD), 1818 "H" Street, N.W., Washington, D.C. 20433.

International Finance Corporation (IFC, an affiliate of the World Bank), 1818 "H" Street, N.W., Washington, D.C. 20433.

International Development Association (IDA, an affiliate of the World Bank), 1818 "H" Street, N.W., Washington, D.C. 20433.

World Meteorological Organization (WMO), 41, Avenue Giuseppe-Motta, Geneva, Switzerland.

Inter-Governmental Maritime Consultative Organization (IMCO), 22 Berners Street, London W. 1, England.

For information from the UN itself: Director for Science and Technology, United Nations, New York, N.Y. 10017.

And while not a UN organization, the International Union for the Conservation of Nature and Natural Resources (IUCN), an independent international organization, works closely with UN agencies, individual nations, and scientific, academic, and conservation groups. IUCN, 1110 Morges, Switzerland.

A necessary element

"Rapid economic development remains, of course, one of the primary goals of all governments . . . (However) it is not an end in itself. It should serve ultimately to satisfy fundamental human needs and to allow the people, in dignity and justice, to enjoy basic human rights . . . The quality of the human environment must enter as one necessary element into all economic planing . . . An informed and alerted public opinion is essential for influencing governments, international organizations, private industry, etc. towards making rational planning for an improved physical and social environment an integral part of the planning for economic growth."—Sverker Astrom, Sweden's UN ambassador, December 3, 1968.

The unforeseen international ecologic boomerang

That's the title of a 32-page special supplement in a recent issue of Natural History Magazine. The supplement contains excerpts from papers prepared for the conference on the ecological impact of international development programs held in December 1968, by the Conservation Foundation and Washington University's Center for the Biology of Natural Systems. Conference papers and discussions are now being edited for publication

in book form next year by Natural History Press. Meanwhile, the supplement is available (supply limited) from Natural History Magazine, Central Park West at 79th Street, New York, N.Y. 10024. Price: 50 cents.

There need not be complete disaster

"Ecologists can scarcely afford to be optimists. But an absolute pessimist is a defeatist, and that is no good either . . . There need not be complete disaster and if our eyes were open wide enough, world wide, we could do much towards rehabilitation . . . The scientist as a social entity must eventually establish the necessity for the ecosystem approach to world problems as a safeguard against unbalanced technological action. We have yet to realize that political guidance and restraint is nothing like so operative on technology as on other major fields of human action."—CF Vice President F. Fraser Darling, in paper presented to UNESCO biosphere conference, 1968.

On salvation

"There is nothing wrong with the United Nations except the members. It is not the organization which has failed; it is the nation members which have not yet sufficiently grasped the truth that we are all members one of another. Our economic and political salvation will come not by everyone grabbing for himself and the devil take the hindmost; our salvation will come from international understanding and international cooperation."—Lord Caradon, United Kingdom ambassador to the UN, December 3, 1968.

From wilderness to dump heap

"Everywhere, societies seem willing to accept ugliness for the sake of increase in economic wealth. Whether natural or humanized, the landscape retains its beauty only in the areas that do not prove valuable for industrial and economic exploitation. The change from wilderness to dump heap symbolizes at present the course of technological civilization. Yet the material wealth we are creating will not be worth having if creation entails the raping of nature and the destruction of environmental charm."—Dr. Rene Dubos of Rockefeller University, in paper prepared for UNESCO biosphere conference, 1968.

Danger—Man at work

The United States "appears to be responsible for around one-third to one-half of many of the contaminants introduced into the atmosphere or oceans," according to Dr. Edward D. Goldberg of the Scrips Institution of Oceanography, La Jolla, Calif. In a paper presented to the recent meeting of the American Association for the Advancement of Science in Dallas, Texas, Goldberg also said that the levels of pesticides such as DDT in "such deep-living fish as the tuna are similar to those of terrestrial organisms, including man." He added that radioactivity "from the detonation of nuclear devices and emissions from nuclear reactors are found at all levels in all oceans."

Train leaves CF to become Interior Under Secretary; Howe acting director

Russell E. Train, CF president since August 1, 1965, resigned February 7 to become Under Secretary of the Interior. Sydney Howe, director of conservation services for CF since April 1965, was named acting director by the executive committee of the Foundation's board of trustees, pending selection of a new president to succeed Train.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 150

Mr. HRUSKA. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate Joint Resolution 150, to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

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

FOREIGN ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 225

Mr. NELSON. Mr. President, last August I submitted an amendment to the Foreign Assistance Act under which the United States would contribute a maximum of $40 million over a 5-year period toward the construction of a desalination plant in Israel.

Senators CASE, EAGLETON, GOODELL, HARRIS, HART, HARTKE, HATFIELD, JAVITS, KENNEDY, MAGNUSON, MCGEE, MONDALE, MUSKIE, PELL, RIBICOFF, SAXBE, SCHWEIKER, SCOTT, TYDINGS, WILLIAMS of New Jersey, and YOUNG of Ohio have cosponsored this proposal.

Recently, the House Foreign Affairs Committee considered a similar proposal and agreed to including it in the foreign aid bill for fiscal year 1970.

In order to facilitate the Senate Foreign Relations Committee considering this desalination bill as part of the foreign aid bill, I am submitting an amendment intended to be proposed by me to the bill (S. 2347) the foreign aid authorization pending before the committee.

The development of a prototype desalting plant in Israel can bring great technological benefits and can help solve the increasingly acute water shortage problem of the world.

Historically, there has been broad bipartisan support for this joint project and that is true today also.

It is my hope that the Senate Foreign Relations Committee will also act favorably on this measure.

I ask unanimous consent that amendment No. 225 to S. 2347 be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received, appropriately referred, printed, and printed in the RECORD.

The amendment (No. 225) was received, ordered to be printed, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 225

On Page 19, between lines 4 and 5, insert the following section:

"SEC. 209. Development of Prototype Desalting Plant in Israel.—(a) In order to improve existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advance concepts which will contribute materially to low-cost desalination in all countries, including the United States, the Secretary of State is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and related facilities to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the Secretary deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of such plant and facilities.

"(b) Any agreement entered into under subsection (a) of this section shall include such terms and conditions as the Secretary deems appropriate to insure, among other things, that—

"(1) the Secretary will be responsible for conducting the technical aspects of developing such plant and facilities;

"(2) all information, products, uses, processes, patents, and other developments obtained or utilized in the development of the plant and facilities will be available without further cost to the United States for the use and benefit of the United States throughout the world; and

"(3) the United States, its officers, and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving the science and technology in the field of desalination.

However, the provisions of this section shall not be construed to deprive the owner of a patent of any right under that patent or under a background patent.

"(c) In carrying out the provisions of this Act, the Secretary may—

"(1) enter into contracts with public or private agencies and with any person without regard to sections 3648 and 3709 of the Revised Statutes, and

"(2) utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency.

"(d) There is authorized to be appropriated (1) for administrative costs, such sums as may be necessary to carry out this section and (2) for the study, design, construction, and operation of such plant and facilities, an amount not to exceed either 50 per centum of the total capital costs of the plant and facilities and 50 per centum of the operation and maintenance costs for the demonstration period, or $40,000,000, whichever is less."

NOMINATION OF HON. CLEMENT F. HAYNSWORTH, JR., TO THE SUPREME COURT

Mr. INOUYE. Mr. President, when the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court was first presented, I was prepared to give his nomination my support despite the fact that we are poles apart in our political philosophy. I was prepared to support its confirmation because it was my feeling that if President Nixon wished to nominate someone of this political philosophy, he has a perfect right to do so providing that nominee met the other tests of fitness for this high office.

Today, I wish to announce that I no longer intend to vote in favor of confirming Judge Haynsworth's nomination. As a result of the evidence which has been brought forth in the course of the hearings before the Committee on the Judiciary. I have concluded that a pattern of insensitivity to the problems of conflict of interest, raised by Judge Haynsworth's many business ventures as they related to his activities as a judge in the Federal court, has been clearly demonstrated.

To support his nomination under these circumstances would cause a serious loss of faith on the part of the American people as to the impartiality and fairness of our Nation's highest court. To do so in view of the recent refusal of the Members of this body to support the elevation

of an Associate Justice to Chief Justice for similar insensitivity would make a mockery of our standards and our concern for the canons of judicial conduct. It would make political philosophy rather than judicial fitness the determining criterion.

Mr. President, for this reason I announce my intention to vote against confirmation of this nomination.

THE TAX REFORM OF 1969

Mr. GRIFFIN. Mr. President, Prof. Raymond J. Saulnier of Barnard College, former chairman of the Council of Economic Advisors to President Eisenhower, has prepared a detailed analysis of the tax reform legislation which was passed by the House of Representatives (H.R. 13270).

I ask unanimous consent that his analysis be printed in the RECORD.

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

MEMORANDUM ON H.R. 13270: THE TAX REFORM ACT OF 1969

This proposed legislation is so long (368 pages), so complex (26 major sections with 63 subsections) and so deeply affected by loophole emotionalism that there is a danger of it being enacted without an adequate evaluation of its potential overall effects. Yet it should be clear even to a casual reader of press summaries that, as it is found in H.R. 13270, the Tax Reform Act of 1969 would be seriously counterproductive.

The object of H.R. 13270 is to correct certain inequities in the federal tax code but, whatever it would do in that connection, it would have seriously adverse side effects on two other matters that must be coordinate in importance with equity in the design of our tax laws, namely, the nation's capability for achieving vigorous economic growth and the balance between private and public effort in our society.

Specifically, the bill would impair the nation's capability for achieving vigorous economic growth by a number of provisions that would reduce incentives to save and invest, including the proposed treatment of capital gains and the reduction of incentives to invest in real estate and in minerals resources. It would further inhibit growth by reducing—in some cases eliminating altogether—ways in which business concerns reward management achievement under present tax law. And the balance of its revenue effect, which would become increasingly negative between 1970 and 1972, would favor consumption at the expense of investment, thereby weakening government efforts to overcome inflation as well as impeding economic growth. The Treasury estimates that, under the bill as it stands, the net longterm shift in the tax burden would be to raise taxes on corporations by $4.9 billion while lowering taxes on individuals by $7.3 billion.

In addition, H.R. 13270 would have a number of unfortunate effects on the structure of American institutions. It would impair the ability of state and local governments to finance public facilities independently and, in so doing, weaken their position in our present governmental structure. It would seriously impair the ability of private nonprofit institutions—colleges and universities, museums, hospitals, *etc.*—to obtain the private gifts on which they rely heavily, in some cases entirely, for the extension and improvement of their activities. And as this memorandum will show, it would weaken the enterprise system—the means through which this country has achieved a standard of living unparalleled elsewhere in the world and through which America, from its beginnings, has offered opportunity for personal development and improvement unmatched anywhere.

In doing all this, and more, some of the bill's major provisions offend one's sensibility by:

Being in a number of instances seriously, unnecessarily and punitively retroactive;

Violating the long-respected distinction between capital and income in their treatment by the tax laws;

Deviating from the established principle of taxing income when it is actually received;

Deleting a whole series of still valid and justifiable incentives on the ground, apparently, that yesterday's incentive is today's loophole.

The justification for this wholesale rewriting of the tax code is that a small group of individuals in the $200,000-and-over income bracket—154 in number—had no federal tax liability in 1966. Whatever the merits of the case against these individuals, it must be recognized that they represent only one percent of the taxpayers in this income class. Yet in order to reach 154 individuals, H.R. 13270 would adversely affect the tax status of hundreds of thousands of taxpayers, corporate as well as individual, would affect every citizen through higher prices and rents, would imperil every nonprofit, gift-supported institution in the country. It is hard to imagine a bill from which the fallout threat would be greater.

As for the 154, how much federal tax they paid in other years is typically overlooked, as is the taxes they paid over the years to state and local governments. Typically, no account is taken of the income these individuals chose to forego in achieving tax exemption, nor the amount of capital or income they gave away, *etc., etc.* Nor is there an adequate evaluation in the public dialogue on these questions of what it will cost the nation in the impairment of its productive institutions to correct such genuine inequities as exist under present tax law by the methods proposed. There surely must be a better and fairer way to do it. One is impressed again and again that what we have here is a massive example of throwing the baby out with the bathwater—in this case a whole family of babies, with a few cups of bathwater.

Although H.R. 13270 has been described as a milestone in tax legislation by the Secretary of the Treasury, there are valid objectives of tax reform—long recognized inside and outside of government—that it does nothing to achieve. Notable among these are simplification of the tax code and revisions to promote growth. Value-added taxation, a major subject of tax discussion these past few years, is nowhere in this bill. Nor is fiscal responsibility a part of it. The fact that the bill would burden the finances of the federal government—in amounts estimated as high as $4.1 billion in 1972—by tax cuts that more than offset the increased revenue involved in tax reform and in repeal of the investment tax credit, has already been commented on. In short, H.R. 13270 deserve not a mere patching-up but a thorough overhaul. One thing is certain: if it is passed, even with the changes proposed by the Secretary of the Treasury (many of which go in the right direction but others, in the opinion of this writer, do not), no true tax reformer need fear he has been done out of a job. Actually, the tax reform problem would be rendered more difficult.

It would be impossible for any one individual—and certainly not in one brief memorandum—to present a full critique of this lengthy and complex bill. The fact that many provisions are not commented on here is not to be construed as meaning anything, one way or the other, *pro* or *con*, with respect to their specific merits. Limitations of space, time and energy have required concentration on only a few of the bill's major provisions. It is hoped, however, that the selection is of those most in need of critical comment.

Let us begin with certain of the bill's provisions that affect capital investment and thus the nation's potential for economic growth.

1. PERMANENT REPEAL OF THE INVESTMENT TAX CREDIT

Permanent repeal of the investment tax credit, as H.R. 13270 proposes, would remove an incentive to capital expansion and improvement that from its inception has been a constructive provision of the tax code. There may be abuses here and, if so, they should be corrected, but not by the wildest stretch of the imagination can the investment credit be regarded as a loophole in any meaningful sense. Its permanent repeal would have to be regarded as a blow at the ordinary, everyday business of improving the nation's productive plant. Certainly, if this provision is enacted the Congress should find some means—presumably through depreciation liberalization—to make the volume of investible funds generated internally by businesses more nearly consistent with what is required for capital investment. Otherwise, the productivity and international competitiveness of American industry will suffer a damaging setback.

Finally, although an on-again off-again handling of the investment credit deserves, in my opinion, no place in stabilization policy—planning for capital expansion and improvement needs and deserves a more stable framework of taxation—the anti-inflation purpose (for which there is a reasonable argument) would be better served by suspension than by permanent repeal, if that has to be the choice.

2. LIMITATION OF ACCELERATED DEPRECIATION PRIVILEGES IN REAL ESTATE INVESTMENT

Despite the well-known tendency for investment in new construction (notably, new residential construction) to lag behind other types of investment, and despite the widely-recognized and increasingly critical shortage of residential facilities, H.R. 13270 would reduce certain incentives which Congress on earlier occasions deliberately incorporated into the tax law to encourage construction and rehabilitation of real property. Under the House bill:

(a) accelerated depreciation—previously allowed on all new construction on the 200% declining balance and sum-of-the-years digits methods—would henceforth be restricted to the recovery of capital invested in new residential building;

(b) despite the fact that the incentive to invest in new construction depends heavily on an active market for used structures, straightline depreciation would be required on the latter (residential and nonresidential) in place of the 150% declining method presently allowed;

(c) although new nonresidential construction is crucial to the creation of a satisfactory total environment, it would be allowed a slower (150% declining balance) depreciation in place of the accelerated rate presently allowed;

(d) the excess of accelerated over straightline depreciation would be recaptured as ordinary income on the sale of real property of any type, with no amelioration of this effect (as provided in present law) depending on how long the property was held, thus aborting the initial effect of fast writeoff; and

(e) the right to depreciate rehabilitation expenditures on a straightline basis over 20 months would be restricted to projects where the additions or improvements have a useful life of 5 years or more, where they constitute low cost housing for nontransient use (declared eligible for such treatment by HUD) and where rehabilitation cost per unit is not less than $3,000 or more than $15,000.

These proposals—which treat accelerated depreciation as if it were a device for nonpayment of taxes rather than a deliberate, congressionally-designed arrangement for the deferral of taxes—are almost certainly destined to result in (i) a smaller increase in total housing supply than would be produced by wider availability of faster depreciation; (ii) a reduced availability of housing for low- and middle-income families; (iii) inadequate nonresidential facilities needed for a balanced total neighborhood environment; (iv) less rehabilitation of existing housing, further limiting total supply; and (v) increased rents. There must be a way to prevent the tax-shelter uses of real estate—by what must be a very liimted number of individuals—without these adverse and untimely effects on the whole construction and real estate industry.

3. HEAVIER TAXATION OF CAPITAL GAINS

It is a long established feature of tax law everywhere to tax capital gains less heavily than current income. In so doing, legislators have had in mind that if there is a gain from capital in terms of appreciation of principal value, it is (i) a gain from investment of income already taxed to the individual before it could be saved and invested; (ii) that it often reflects in whole or in part, the plowback of undistributed profits already taxed to the corporation; (iii) that the income from capital is also fully taxed as received; (iv) that capital gains are built up over time—frequently over a long time—and, with tax rates typically rising, an equitable and proper averaging process should put the capital gains tax at a lower level than the tax on current income; and (v) that a capital gains tax is levied, in any case, against an increase in principal value which, the world being what it is, is typically a result largely of inflation. No tax code can deal severely with investment gains without discouraging the investment process itself, either by lowering potential return or limiting liquidity, or both—and to discourage investment is to inhibit growth and everything that growth means for the creation of jobs and the enhancement of well-being for everyone. Yet H.R. 13270 would make present taxation of capital gains more severe by:

(a) extending the holding period required to distinguish between capital gain and income from ordinary transactions from six months to one year;

(b) eliminating the alternative tax rate for longterm capital gains, thus raising the upper limit of the effective tax on such gains for taxpayers with a marginal tax rate above 50% from the present 27½ (including surtax) to 38½ or by 40%;

(c) raising the alternative rate for corporate taxpayer to 33% including surtax) from the present 27½; and

(d) permitting only 50% of an individual's net longterm capital losses to be offset against ordinary income, up to the $1,000 limitation, in place of the full deductibility presently allowed.

In addition to making invested funds more illiquid and discouraging both saving and investment, H.R. 13270's proposed treatment of capital gains would be clearly retroactive in effect, constituting an unanticipated capital levy not just on the 154 but on many thousands of unsuspecting Americans.

4. REDUCTION OF DEPLETION ALLOWANCE AND OTHER PROPOSALS AFFECTING MINERALS INDUSTRIES

One of the most capital-intensive and risk-affected industries in the United States—oil, gas and other mineral resources—would be dealt with especially severely by H.R. 13270. Apart from the adverse effect on these industries from repeal of the investment tax credit and the heavier taxation of capital gains, the proposed legislation—in the case of oil and gas—would (i) reduce percentage depletion allowances from 27½ to 20% on domestic properties; (ii) eliminate depletion allowances altogether on overseas properties; and (iii) treat production payments as loans.

Among the likely effects of these proposals are the following:

(a) the cost to U.S. companies of oil development would be increased substantially and, if there is anything at all to the shifting of taxes (and there must be in this case, since the profitability of oil companies in 1968 was only about the same as that of manufacturing concerns generally), the cost of gasoline at the local gas pump would be increased;

(b) The cost to U.S. companies of oil development conducted overseas would be increased: (i) in all probability without increasing U.S. tax revenues; (ii) with predictably adverse effects on the strategical position of the United States in world affairs; and (iii) with adverse effects, certainly in any long term perspective, on the U.S. balance of international payments; and

(c) with a lower after-tax cash flow, oil producing companies would need to depend more heavily on external financing for oil development, a necessity that would be felt most severely by individual developers and small companies.

5. REDUCED OPPORTUNITIES TO REWARD MANAGEMENT ACHIEVEMENT

The opportunity to reward a business executive for making a success of a company's affairs cannot possibly be anything but constructive in promoting economic growth. In this respect, the proposed 50% upper limit on taxation of earned income moves in the right direction; on the other hand, those provisions of H.R. 13270 that would limit opportunities to provide rewards other than by current income would be an obstacle to growth. Specifically, this criticism applies to:

(a) the bill's treatment of deferred compensation payments, a type of forward income-averaging which, under these proposals, would be taxed not at the rate applicable to the taxpayer in the year the income was actually received but at a rate calculated, *ex post*, as what would have been applicable in the years in which the income was earned;

(b) allowing the deduction of interest only to the extent of investment income and long-term capital gain (plus $25,000) for the acquisition of stock (for example) under a stock option program, even though the interest is a cost incurred to make an investment, the income and capital gain from which (if there is any) will be taxable in due course;

(c) taxing as compensation the value of stock received in lieu of salary under restricted stock plans (except where the employee's interest is subject to substantial risk of forfeiture) despite the fact that in many instances the stock continues under restriction which prevents its sale to raise funds to pay the tax.

6. REDUCING TAX EXEMPTION OF INTEREST ON STATE AND LOCAL (MUNICIPAL) BONDS

H.R. 13270 would reduce the tax exemption accorded interest paid on state and local government securities (municipals), an exemption going back to the introduction in 1913 of the federal income tax and grounded in constitutional considerations, by:

(a) allowing an individual to count as tax preference income (in the limited tax preference—LTP—rule) an amount not to exceed 50% of total income (adjusted gross income plus tax preference income) regardless of the actual proportion of taxable to nontaxable income, thus treating some tax-exempt income as taxable;

(b) requiring that deductions be allocated to nontaxable income (in the allocation of deductions—ADR—rule) in the proportion of nontaxable income to total income, thus making some part of the deductions ineffective in the role for which they were originally granted.

Also, the bill would further restrict the availability and raise the cost of municipal debt finnancing by:

(c) making capital gains on debt securities held by financial institutions taxable at the income tax rate rather than (as now) at the capital gains rate.

Having thus taken away with one hand at least part of the tax exemption explicitly offered with the other, and having reduced the incentive for financial institutions to continue investing in municipals (commercial banks hold nearly 40% of the outstanding supply), the bill then says that if a state or local government chooses to finance on a taxable basis the federal treasury will provide a subsidy calculated to offset the higher cost of borrowing without benefit of tax exemption.

Quite apart from the constitutional questions raised by these proposals—which have to do with reciprocal tax immunity as a principle essential to desirable federal-state-local relations—there are a variety of important economic questions involved. Thus:

(a) again if there is anything at all to the shifting of taxes, this proposed erosion of tax exemption will raise the cost of financing to state and local governments and require an increase in tax rates at the state and local level; a measure of this effect can be judged from the fact that in recent markets tax-exempt securities sold at yields as much as 2 percentage points below those obtainable on taxable securities;

(b) to the extent that an erosion of the tax-exemption privilege induces state and local governments to elect the alternative of issuing taxable securities, the proposed legislation will require the federal government to undertake a new and conceivably large and growing function in administering interest rate subventions;

(c) the market for municipal securities is bound to be dislocated, indeed is already seriously dislocated, at a time when (most would agree) capital improvement programs at the local level are needed more urgently than ever before; already, the yield spread between taxable and nontaxable securities has narrowed by close to ⅓ of a percentage point.

Again, all this is done apparently to cut back on the use of tax-exempt municipal bond income to avoid tax liability, when the evidence indicates that this type of income is of major consequence to only a small minority of all high-income individuals.

7. TREATMENT OF CHARITABLE CONTRIBUTIONS

Finally, there are the provisions of H.R. 13270 that would significantly alter the balance of private *v.* government effort in various sectors of our society. It would do this by hampering the gift-raising capability of private nonprofit institutions on which every community in the nation, in one way or another, depends heavily for educational, cultural, medical and other facilities. It is especially serious that this would be done at a time when these institutions, with few exceptions, are operating under increasingly serious financial difficulties and when demands on them by the community are heavier than ever before.

The proposed increase from 30 to 50% in the general limitation on an individual's charitable contribution deduction would be a constructive and important change, but in a number of other provisions H.R. 13270 would be so technically complicated and so severe in its treatment of acts of charity and philanthropy that prospective donors would likely withdraw in baffiement if not in anguish as fund-raising personnel attempt to explain the tax implications of prospective gifts. Features of the proposed legislation that would make life more difficult for gift-supported institutions include:

(a) eliminating the unlimited charitable contribution deduction now available to donors, thus making it more difficult to obtain

the large gifts that frequently are the events that make a success of ambitious fund-raising programs;

(b) treating as taxable the appreciation (unrealized, at that) of charitable contributions of appreciated property;

(c) placing what appear to be severe limitations on the deduction available to donors in charitable remainder trusts, and charitable income trusts the remainder of which goes to a beneficiary other than a charity;

(d) requiring that in so-called bargain-sales to charitable organizations costs be allocated between the portion sold and the portion given, rather than allowed in full as a charitable contribution deduction;

(e) eliminating the rule that made possible the so-called two-year charitable trust;

(f) eliminating the presently unlimited set-aside deduction available to nonexempt trusts and estates; and

(g) disallowing charitable deductions for gifts less than the donor's full interest in the property involved.

CONCLUSION

Without attempting to evaluate all the possible effects of H.R. 13270, the conclusion must be that, as it stands, it would:

Impair the nation's capability for achieving economic growth and improvement;

Reduce in particular the incentive to invest in new construction, in all probability doing little if anything to promote investment in new low-income housing;

Raise rents;

Raise the price of gasoline and mineral products generally;

Raise local taxes;

Create the need for a new federal program to help state and local governments finance public facilities;

Create the need for new federal programs to aid gift-supported institutions; and

Hamper the fight against inflation.

THE TREASURY'S SEPTEMBER 4, 1969 PROPOSALS

The maleffects of H.R. 13270 would be ameliorated in part but not entirely by proposals made September 4, 1969, by the Secretary of the Treasury, in particular by his proposals for:

Cutting the estimated 1979 revenue shortfall from $2.4 to $1.3 billion;

Reducing the corporate tax rate by one percentage point in 1971 and an additional point in 1972;

Retaining the six-month holding period for capital gains and, with some exceptions, retaining the maximum 25% rate on such gains;

Excluding charitable donations of appreciated property from LTP and ADR;

Reducing the proposed tax on foundations from 7½ to 2% of income;

Excluding tax-exempt municipal bond interest from LTP;

Eliminating that section of H.R. 13270 that puts a limit on the deductibility of interest on indebtedness incurred to purchase or carry investment assets; and

Deleting that provision of the bill (Section 331) relating to deferred compensation.

However, the Secretary's proposals would leave unchanged or make even more severe certain sections of the proposed bill which, in the judgment of this writer, would have a counterproductive economic effect. Specifically, the Treasury's proposals would, among other things:

Leave the treatment of real estate investment as in the House bill, except for the suggestion that commercial banks, mutual savings banks and savings and loan associations be allowed a special tax deduction of 5% against gross income from loans to finance residential construction (also for guaranteed loans to college students and loans guaranteed by the Small Business Administration);

Accept the reduction of percentage depletion for the minerals industries (though not a part of the administration's initial recommendations) and the inclusion of both depletion and intangible drilling costs in ADR (as initially suggested to the House) but would go beyond H.R. 13270 by proposing (as the administration did initially, but as the House did not) that both depletion and intangible drilling costs be included in LTP, though the latter not for taxpayers deriving 60% or more of their income from oil and gas operations;

Continue the limitation (as originally proposed by the administration) on restricted stock plans;

Accept the House proposals regarding charitable contributions, except the inclusion of donations of appreciated property in LTP and ADR;

Include tax-exempt interest in ADR (as does the House bill) but—with potentially damaging effect—without the ten-year phase-in which the bill provides;

Apparently employ an arrangement (to be disclosed later) such as an urban development bank in lieu of interest subsidies to state and local governments that elect to issue taxable securities;

Retain the retroactivity of any change in the taxation of capital gains.

Clearly, there is a great deal still to be done to make H.R. 13270 consistent with *all* the goals of constructive tax reform.

* * * * *

Nothing said above is meant to disparage in the least the importance of efforts to check genuine abuses of the present tax code. No one can make a case for retreating from that task. The point is we must be sure that in the cleaning-up process it is bathwater and not babies that is thrown out, and that there is no exchange of new inequities for old ones. We need a tax code that is fair and equitable. But we also need a code that bolsters incentive to work, to save, to invest, to take risks (and heavy risks at that) and a code that will have the kind of effect on the institutional structure of our country—the place of private enterprise in the production process, the balance of state and local *v.* federal power, and the role of private nonprofit, gift-supported institutions—that will strengthen not weaken the democratic qualities in American life.

NEED FOR REFORM IN DRUG TESTS

Mr. MONDALE. Mr. President, the time for reform has come in the field of drug testing.

Recent disclosures in the New York Times, the St. Louis Post Dispatch, and the Christian Science Monitor have made it clear that the present system of testing and approval for new prescription drugs leaves much to be desired.

Currently, tests on new drugs are made by medical researchers and laboratories hired by pharmaceutical manufacturers. Then, on the basis of this industry-sponsored research, the Food and Drug Administration makes its decision on whether or not drug should be marketed.

As the St. Louis Post Dispatch has pointed out:

> Both the purchaser and the performer of the tests have a financial interest in a favorable report—the latter to get further lucrative test contracts.

Dr. William O'Brien, associate professor of medicine at the University of Virginia, explored this situation in a recent article in the Bulletin of the Atomic Scientists:

> In case after case some (pharmaceutical) firms have been guilty of misrepresenting, distorting and even withholding information about the dangers of drugs, and injury and death have resulted.

He cited a 1960 report in the Canadian Medical Association Journal that only 5 percent of published tests "met even the crudest scientific standards" and added that "the trials I reviewed in 1967 were not any better."

The Senator from Wisconsin (Mr. NELSON) has introduced a bill that would establish a national center to contract research out to individuals, organizations, and institutions that have no relationship with the manufacturer of the drug at issue. It would remove the existing responsibility for drug testing from the manufacturer and entrust it to an independent testing and evaluation center.

This new drug-testing bill is one of the results of the more than 2 years of hearings that Senator NELSON has conducted on drug industry policies as chairman of the Senate Small Business Monopoly Subcommittee.

In two articles published recently in the Christian Science Monitor, Lucia Mouat explored many of the present policies in the drug industry ranging from pricing to promotion, with special emphasis on the issue of current testing and evaluation procedures.

I ask unanimous consent that the two articles be printed in the RECORD.

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

PRICING POLICY MAY BRING DRUG-INDUSTRY LEGISLATION

(By Lucia Mouat)

WASHINGTON.—The average United States drug manufacturer has dozens of paper rivals, but, as a specializer, very little real competition. For him business never has been better. The $5 billion drug-manufacturing industry currently is this nation's top profitmaker.

Evidence is strong, however, that the consumer has been paying more than his fair share of the bill. He is charged vastly different sums for the same quantity of the same drug under different brand names.

The 22 companies, for instance, which manufacture prednisone vary in their rates per 100 tablets to pharmacists by more than $10. The druggist may pay anywhere from 59 cents to $10.80 for an item companies admit costs only 50 cents to produce. Similarly, the price to druggists per 1,000 tablets of reserpine ranges from 72 cents to $39.50.

Often the same company will charge one price to the pharmacist and a dramatically lower one to the government if it is making a bid for its business.

MAJOR CHANGES EXPECTED

The dollar story reads much the same for hundreds of the 7,000 drugs on the U.S. market.

Such facts unearthed in 2 years and 12 volumes worth of hearings on drug pricing and advertising by the subcommittee on monopoly of the Senate Select Committee on Small Business are expected to lead to some major changes in drug-industry legislation.

Already as a result of the widely publicized price variations in prednisone, two major companies have slashed their prices for the drug. (The Schering Corporation cut its price per 100 tablets from $17.90 to $10.80. Parke-Davis Company cut its price to pharmacists by more than 80 percent.)

Sen. Gaylord Nelson (D) of Wisconsin, chairman of the monopoly subcommittee, has legislation pending which calls for label-

ing drugs by their generic or official name in addition to the usual brand name.

He also has a bill which would establish a drug blue book, available to all physicians, which would describe drugs by content, generic name, uses, side effects, brand names, prices, and sources of supply. Most drug listings available to date are missing one or more of these.

BRAND NAMES SUCCESSFUL

Senator Nelson puts much of the blame for overpricing on drug-company use of catchy and highly promoted brand names. These drugs are usually the most expensive varieties. A full 90 percent of the prescriptions that come to the pharmacist call for brand-name products.

"This is the only business in the country which has been able to virtually eliminate competition by brand-name identification and advertising," Senator Nelson charged in an interview. "It's a very elaborate, very successful method of setting prices."

In all, the nation's 136 major drug manufacturers employ some 20,000 salesmen or detailmen whose job it is to call on physicians with free samples and free promotional advice. They have no compunctions about criticizing their opponents' products and are given bonuses in accord with their sales.

DEFENDERS CITE RESEARCH

Only an estimated 4 percent of the nation's physicians refuse to see the detailmen, and admit they rely heavily on them for drug information. In his "Handbook of Prescription Drugs," Dr. Richard Burack of the Harvard Medical School points out that pharmacology is not taught beyond the second year in most medical schools (and much of this information quickly becomes obsolete) and that the drug industry spends more than $600 million a year on advertising aimed directly at doctors.

In their defense, drug-industry spokesmen argue that prices are high because their business risks are high and that large sums are needed for research and development. They argue further that in general drug retail prices have been going down in recent years.

Senate committee spokesmen, however, say this is simply on drugs physicians are no longer prescribing. In their place new drugs are prescribed and the prices are high. A study by the Lilly Corporation, a drug firm, affirmed that the average cost of prescriptions went up 50 percent between 1954 and 1964.

IDENTICAL DRUGS ADMITTED

In testimony before the monopoly subcommittee, George S. Squibb, former vice-president and now a consultant to E. R. Squibb & Sons, called high drug prices the "Achilles heel of the pharmaceutical industry." He predicted government regulation for companies which refuse to settle for "ordinary profits" (he counts 12 percent adequate) rather than "windfalls." After taxes, drug companies now average 21.1 percent in net profits on invested capital.

Under intense questioning by Senator Nelson, drug-company spokesmen, while stalwartly defending the concept of a trade name and the company responsibility which must lie behind it, admitted they could point to no proven quality difference between their drug and others which would justify its much higher price.

Dr. James L. Goddard, former commissioner of the Food and Drug Administration, has labeled Senator Nelson the drug establishment's "lonely foe" and commented that one of his greatest problems is that he is "championing the cause of a public that doesn't really know how much it needs a champion."

The Senator from Wisconsin and his committee aides hope that a combination of publicity, education, and legislation will do the work of bringing drug prices down. They see it as crucial to melt some of the well-forged links between the physicians and the pharmaceutical industry.

In addition to the role of the detailman in the physician's choice of drugs, it is noteworthy that the American Medical Association's revenue from selling mailing lists of doctors' names is some $900,000 a year. Senator Nelson hopes that with a compendium available and a drug labeling change, doctors will have access to less-partial information and write prescriptions by drugs' general names, stipulating a "low cost" brand.

One weapon remaining, of course, is antitrust action where evidence of overcharging is clear. In a court case dating back to 1961, three large American firms (with two others named as coconspirators) were sued by 43 states on grounds of price-fixing on several widely used antibiotics. Plaintiffs charged that the price was about five times what it ought to "reasonably" be.

Preferring, as is often the case, to settle out of court, the companies in a unique move have set aside $120 million as refund money to states, hospitals, citizens, and pharmacists who purchased the drugs when the prices were high.

U.S. TESTING FACILITIES SOUGHT FOR STRICTER CHECK ON DRUGS

(By Lucia Mouat)

WASHINGTON.—Trying to keep the nation's drug industry honest is one of the many chores of the Food and Drug Administration (FDA).

The task is not an easy one for an agency with only six staff members assigned to police $800 million worth of industry advertising a year and only 1,600 workers to keep a wary eye on the 7,000 drugs already on the market, conduct all pertinent research, and review hundreds of applications for new drugs.

Testing facilities in this regulatory agency are extremely limited and the FDA relies almost wholly on evidence supplied by the drug company itself as to how safe and effective its product is.

Often reams of material are submitted—one FDA official has seen notebooks of evidence for one drug stacked six feet high—in hopes that quantity may make up for lack of quality. The process of approval of a new drug for the market may take anywhere from seven months to five years.

Winton B. Rankin, FDA deputy commissioner, admits such testing practices could stand improvement.

CLINICAL TESTS PROPOSED

"The situation has improved but it's really not satisfactory at all," he commended in an interview. "Companies have done the kind of testing they think will get their product on the market the fastest. Often they submit volumes of material but a limited number of valid experiments."

Mr. Rankin says the FDA needs a clinical testing facility of its own but as a supplement rather than as a full substitute for company efforts.

He counts as one answer to the problem a decision on the part of companies to limit their efforts to "sound testing" and to draw up and discuss their plans of action with FDA personnel.

But many argue that the burden of proof of a drug's acceptability for the market should be shifted completely to the government for a more objective evaluation.

Sen. Gaylord Nelson (D) of Wisconsin, whose Senate subcommittee on monopoly has been delving into drug pricing and advertising, recently proposed the establishment of an FDA drug-testing center either in the agency or by contract to university or hospital researchers with no financial link to the drug industry.

Another proposal gathering momentum would require that copies of any reports sent by an investigator to a drug company be sent also the FDA. In the past, most of the unfavorable findings have been quietly squelched by the companies.

CURBS ENACTED RECENTLY

Such federal restrictions as there are on the drug industry have come largely in recent years. Before 1938 anything could be marketed. After passage of the Food, Drug, and Cosmetic Act, safety was put as an essential criterion.

In 1962, former Sen. Estes Kefauver (D) of Tennessee put a further clamp on drug manufacturers (after extensive hearings by his Senate committee begun in 1959) by sponsoring legislation which required companies to prove that their drugs were effective for their claims as well as safe.

Unhappy, with that development, the drug industry unsuccessfully tried to get Congress to limit the regulations to new drugs.

Since its manpower was limited for the job of checking on the close to 4,000 drugs introduced on the market between 1938 and 1962, the FDA contracted with the National Academy of Sciences' National Research Council to do the review. Thirty panels of medical authorities were put on the job. Once again, the burden of proof of drug acceptability lay with the companies.

Last December and again in April the study group announced its intention to remove close to 100 antibiotic compounds from the market. So far, however, only three drugs have ben removed from pharmacists' shelves.

The group classified its results in terms of priorities and gave some companies as long as a year to come up with fresh substantiating evidence.

In others, such as the now famous Panalba case, the FDA has been involved in lengthy court proceedings in which the manufacturer has demanded a hearing before the drug is removed from the market It is regarded as an important test case of company vs. FDA power.

In the view of Rep. L. H. Fountain (D) of North Carolina, chairman of the House subcommittee on intergovernmental relations which keeps a close watch on FDA activities, the net effect of the Academy of Sciences study was to invite a fresh flood of information and put off the final judgment indefinitely.

Fraudulent advertising is a persistent problem. Professional and semiprofessional journals are filled with full-page color drug ads and the FDA is expected to keep an eye on all of them.

In fiscal 1968 staff members found 15 instances of violation of federal standards. Companies which have made sweeping claims for the effectiveness of their particular drug or perhaps not accurately warned the public of possibly dangerous side effects, are required to correct their advertisements and to send a letter to all the physicians who might prescribe it.

As an indication of how important regulation is—that company ethics are not always sufficient to do the job—consider an instance during the hearings of Senator Nelson's subcommittee in February, 1967:

INDUSTRY VIEWS CITED

A leading manufacturer of the drug chloromycetin was shown two ads, one in an American medical journal and another in a British medical journal. He was asked why only the American ad carried a 1,300 word warning about possible dangerous side effects of the drug. His answer: British law did not require the printed warning.

"I was shocked," Senator Nelson later related, "and I told them I didn't know how they could sleep nights taking that kind of an attitude."

Calling the drug establishment "a close

knit, self-perpetuating power structure" which "functions with all the smoothness of an intricate Swiss watch," Dr. James L. Goddard, former FDA commissioner, said in a March article in Esquire magazine that "advertising is the establishment's shop window to the physician, and any attempt at 'tampering' is met with massive resistance."

In a broader indictment, the former medical director of a major drug company testified before the Nelson subcommittee this spring that one who works for the drug industry must learn "that anything that helps to sell a drug is valid, even if it is supported by the crudest testimonial, while anything that decreases sales must be suppressed, and rejected, because it is not absolutely conclusive proof."

Dr. A. Dale Console, who left his post at E. R. Squibb & Sons in 1957, added that the good employee must learn to word a warning statement so it will appear "an inducement" rather than a warning.

A stricter legislative crackdown on drugs may be coming. Much depends on how much influence such lone fighters as Senator Nelson, Representative Fountain, and Dr. Goddard have on Congress. In any event, there is little question but that the drug-manufacturing industry is undergoing the most thorough investigation it has been put through.

The Senate subcommittee hearings, for instance, are expected to last three or four more years, as congressional investigators probe the problems of government patent policy, government drug procurement, antitrust practices, and over-the-counter drugs.

ENVIRONMENTAL QUALITY: ECOLOGY AND ECOLOGISTS

Mr. TYDINGS. Mr. President, the deterioration of the quality of our environment is one of the major issues confronting this country and this Congress. Unless we are able to halt this deterioration, unless we put an end to the senseless pollution of our air, land, and water resources, the continued existence of our way of life and the survival of man on earth itself is called into question.

The science which gives us the information to insure that we remain is ecology. Ecology can be defined as the study of the relationship between living things and their environment. Men who seek this knowledge are termed ecologists and one of the finest is Dr. David M. Gates, director of the Missouri Botanical Garden in St. Louis.

Dr. Gates has spoken out forcefully in order to reverse the decline in environmental quality. He has warned that we need more information about man's ecological impact on earth and that we need it soon before it is too late.

Ask Dr. Gates,

We have to learn about what kind of environment we're going to live in. The question is, will we learn in time?

In the lead article of the New York Times magazine for October 5, Robert W. Stock writes of Dr. Gates and his efforts to reverse the deterioration of our environment. Mr. Stock emphasizes the sensitivity of our environment to change, the need for additional ecologists and for more scientific knowledge, the Gates energy-exchange theory, and the serious threat to life from overall oxygen depletion.

It is an enlightening article, one that is well worth reading. I ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times Magazine, Oct. 5, 1969]

SAVING THE WORLD THE ECOLOGIST'S WAY

(By Robert W. Stock)

ST. LOUIS.—For two hours, David M. Gates, the director of the Missouri Botanical Garden here, had led me past lily ponds, among lush plantings of greenhouse orchids, along paths crimson with roses. "There's one thing more you should see," he said, and he strode through a grove of verdant trees to the foot of a pine. It was startling in its grotesque ugliness, its trunk rising to a tangle of charred and stunted branches. "This is our lone survivor of the days when they burned soft coal in St. Louis," he said. "Every other pine and evergreen was killed. We have others in the garden now, but they're all new."

Gates is an ecologist, a student of the relationship between life forms and their environment. He is also a leader among the band of scientific Cassandras who seek to alert the nation to impending doom. Our continuing rape of the natural environment, he has warned, can produce an earth populated by "half-starved, depressed billions gasping in air depleted of oxygen and laden with pollutants, thirsting for thickened, blighted water." I wondered whether Gates considered the blackened, long-lived pine a symbol of hope or despair. "You can take your pick," he said. "We can have it either way."

There is a tendency, today, to think of ecology as a new science, and its practitioners as men called into being by the environmental crisis, but the facts are otherwise. Ecology ("eco" derives from the Greek word for "home" or "habitat") had its beginnings around the turn of the century. It is a branch of biology, cutting across a multitude of disciplines, from zoology to botany. In Gates's words, "Ecology is the very epitome of science itself."

Wind and sun, carbon cycle and photosynthesis, strontium 90 and pesticides; every force and element that interacts with plant or animal is grist for the ecologist's mill. By studying this interaction, and its effects upon living things, he can help a farmer to improve his crop yield, or a city to clear its polluted air.

Traditionally, however, the ecologist has operated far from the urban scene. He has most often been a very private person, attuned to field and forest and the grooves of Academe, devoting his life to the careful observation and description of a handful of individual plants. But in the last decade or so, now ideas and technologies have transformed the discipline. The manifest threat to the earth environment has turned dozens of ecologists into social critics and has placed a premium on their abilities to devise and effect new programs. In many ways David Gates perfectly reflects these changes.

My visit with Gates began in his office on the grounds of the botanical garden, a 70-acre oasis in the center of St. Louis. A chandelier dripped crystals from the ceiling; rare orchids brightened his desk and the mantel above an ornate fireplace. More than a century ago, the room had been occupied by a transplanted Englishman named Henry Shaw, who had made a fortune in cutlery and real estate. It was he who established Shaw's Garden, as it is known locally, on the site.

Gates is 48 years old. His appearance is pleasant and undistinguished—5 feet 9 inches; a crewcut over a faint brush mustache; tweedy sports coats and baggy trousers. His voice is monotone, relieved by an occasional chuckle.

"I'll tell you what we worry about most," he began. "An irreversible catastrophe. A number of pesticide spills, for example, in those areas of the ocean where large colonies of marine organisms produce much of the world's oxygen. If you plot out the frequency of this kind of event, they're getting closer and closer."

The ecological state-of-the-art frightens him. "We're still in the Stone Age. This is pure speculation, but think about it: Influenza epidemics have followed very closely periods of great volcanic activity. Maybe the dust in the atmoshpere from that activity reduces the sunlight and triggers a virus or our susceptibility to it. So what happens if man loads the atmosphere with dust from combustion and construction projects and *then* there is major volcanic action. The worst flu epidemic in history? As I say, that's all speculative—but it's the kind of thing we should know, and we don't."

For a David Gates, the isolated incidents of man's inhumanity to nature—and hence to man—are part of a complex ecological pattern. The earth is a single vast system of interrelationships among plants and animals and climatic forces—an ecosystem.

Thus: If there were not enough oxygen in the atmosphere to filter out ultraviolet rays, the seeming benevolent sun would destroy life on earth. Plants produce that oxygen through photosynthesis; they also help keep the atmospheric balance by absorbing carbon dioxide from the air. Enter man. He burns ever-increasing quantities of oil and coal, filling the air with carbon dioxide. He cuts down and paves over huge tracts of forests and poisons ocean life with chemicals. Question: How long will it be before the earth's plants are unable to produce enough oxygen—or absorb enough carbon dioxide—to hold back the ultraviolet rays?

Or: If a stream is to be healthy, the algae must have nutrients in the form of nitrates and phosphates. Algae are consumed by fish, fish by animals, and the food web, as this ladder is known, thrives. Enter man. He spreads his farmlands with fertilizers, mainly nitrates and phosphates, which are washed off into the streams. The excess of nutrients spurs a sudden increase in algae growth. Some of the new algae are not part of the food web; their growth is not controlled by hungry fish. New, inedible algae displace the old, the fish gradually disappear from the stream, the food web is destroyed. Question: How long will it be before all of the streams of our farmlands are sick?

Spurred by his fear for the environment, and its human dependents, Gates has been crying havoc—in appearances before Congressional committees, in lectures to scientific and lay audiences, in magazine articles by the dozen. He is a confirmed egalitarian who wants to educate and arouse the public, but he concentrates his greatest effort on the nation's leadership so that action can be taken "almost by fiat."

First and foremost, he wants Federal support for a revolution in the ecological discipline itself. Speaking before a subcommittee of the House Committee on Science and Astronautics, he charged the ecology, as now constituted, is unable to answer the questions that must be answered: How will a particular kind of air pollution affect the population? What effects will a highway or a jetport have on a wildlife area? The traditional descriptive ecological data are often available, the details on specific plants and animals gathered by classical ecologists, but they don't suffice. The effects are too complex, too subtle. The data must be "pulled altogether into coherent models"—general laws and theories that can be applied to the particular case. Gates has asked Congress to establish a National Institute of Ecology to begin the task, and for Federal

programs to entice more students into the discipline. "There are only a few thousand ecologists in the country," he says, "and less than a half-dozen are theoretical ecologists."

When David Gates was named director of the garden in 1965, he said, "it shocked the botanical world"—and later talks I had with other ecologists indicated that, for some, the shock has not yet worn off. Gate's academic training had been in molecular physics, and his career had encompassed a host of pursuits far from any garden path. He had worked on antiaircraft proximity fuses, on upper atmospheric research with "sky hook" balloons, on the propagation of radio waves. He had been an administrator of military and government projects and has taught college physics. It was not until 1964 that he had an official position directly related to ecology—as Professor of Natural History at the University of Colorado.

"What people sometimes lose sight of," Gates said, "is my childhood." His father, Frank, was a pioneer ecologist at the Kansas State University in Manhattan, Kan., where he was raised, and father and son spent 17 summers at an ecological field station in northern Michigan. "I didn't have many friends up there. I spent my time collecting plant specimens and studying them under my dad's tutelage. I loved it. But one day I asked myself, Was it really enough just to find plants and describe them—the traditional ecological way, you see? I wanted to analyze, not just describe. When I discovered physics in high school, that was it—so intricate and beautiful and precise."

Over the years, Gates never lost his early interest in ecology, and at a meeting in 1959, sponsored by his alma mater, the University of Michigan (Ph. D., 1948), he propounded a theory that was to have a major impact on ecological studies.

The basic notion was simple enough. Every life process involves the expenditure of energy; thus, the relationship between an organism and its environment can be viewed as a problem in energy exchange. If there is a balance, an equilibrium, between the amount of energy a plant absorbs, and the amount it gives off, the plant will be healthy. If the balance is tipped one way or the other, the plant will become too hot or too cold, and will perish.

What was revolutionary about Gate's energy-exchange theory was its potential application. If he could pinpoint the major elements involved in this transfer of energy . . . if he could measure all their effects on a plant in terms of units of energy . . . then he would be able to produce a mathematical model of the relationship between plant and environment. Such a model would enable him to predict just how any given organism would actually function in any given environment. It would make ecology like physics—"beautiful and precise."

Gates pursued his theory with experiments at the University of Colorado ("I elected somewhat arbitrarily to work on plants first, because they don't bite and run around"), and he accepted the post in St. Louis with the understanding that ecological research would become a larger facet of the botanical garden's program. Now snakes, alligators and wolves are being tested to determine their energy credit and debits (Gates speaks of "energy budgets"), and he is training graduate students from around the nation in his new discipline called biophysical ecology. His research is supported by the Ford Foundation, the U.S. Public Health Service, the Office of Naval Research and the Atomic Energy Commission. One project suggested by the A.E.C.: A study of the energy budgets of aquatic animals as a means of understanding the effects of thermal pollution from nuclear reactors.

The air-conditioning in Gate's office had induced a state of blissful comfort; it was lost the moment we stepped out the door into a standard summer day in St. Louis—97 degrees and humid. Gates set a brisk pace and maintained it: "I run a mile and a half every morning in the garden or wherever I am." (His tennis shorts and sneakers produce some raised eyebrows when he trots out of Washington's Cosmos Club.)

The garden is a serene and lovely landscape of rolling hills and winding paths, dotted with cultivated areas and gazebos. We passed benches occupied by pipe-smoking elders, watched barefcot hippies rolling in the grass and small children chinning themselves on water fountains. Gates lectured in a calm, matter-of-fact manner.

"This pine here, one of the new ones. It has 450,000 needles. We know because we counted them." Energy exchange takes place at the surface of a plant—the flow of air over the surface, for example, helps keep a plant cool. Before Gates could begin to determine how much air flow the pine required to stay healthy, he had to find out its total surface area. That meant counting pine needles.

Wind speed is one of four major environmental factors ("independent variables") he measures. The others are radiation (as from the sun), air temperature and humidity. The surface temperature of the organism, and the rate at which it loses water, are two other factors, dependent upon the first. To find the energy budget of a leaf, he simply(!) fits these measurements into a formula, to wit:

$$Q_{abs}=\epsilon\sigma T_l^4+k\left(\frac{V}{D}\right)^{1/2}(T_l-T_a)+L\frac{sd_l(T_l)-r.h..d_a(T_a}{r_l+r_a}$$

As we walked on through the garden, Gates's enthusiasm for his plant charges emerged. He pointed to a redbud tree along the path. "You can see, as the day gets hotter, its leaves begin to hang vertically. That way they don't get so much of the direct rays of the sun. Trees have their own personalities, their own ways of adjusting. They're smart."

The Missouri garden has for 50 years been a world leader in breeding tropical waterlilies; in fact, the first to be patented was grown here—a delicate, yellow flower named "St. Louis." Some of the lilies in the garden ponds and greenhouses reach diameters of six feet. "*They're* smart, too," Gates commented during our tour of a greenhouse, lifting a lily's edge. The underside was covered with huge thorns—"to keep animals from eating them." He had fewer kind words for a neighboring water hyacinth. "A vicious plant. They clog waterways."

Outside the greenhouse Gates called to a short man in bluejeans, James Hampton, the garden's chief engineer. "I hear you did a great job the other night, Jim." The Junior League Ball had been in full swing at the garden when a storm hit; the cream of young St. Louis society, in gowns and tuxedos, had raced helplessly about as the heavens opened and the lights went out. Hampton had repaired the generators.

Keeping people—particularly upper-class people—happy is one of Gates' major duties. The garden is a private institution and is primarily dependent upon private benefactors for support.

The most dramatic display at the garden is the Climatron—a 70-foot-high, glassed-in geodesic dome, the interior of which has the exact climate of a tropical rain forest. We went inside to cool off. There were waterfalls and limpid jungle pools, palms and balsa trees rising above a thick canopy of banana trees. Gates nodded toward a bird of paradise plant: "That's particularly handsome." "Aren't all flowers handsome?" I asked. "Oh, like all people, I suppose. It depends upon your criteria."

And on we went, through the restored, century-old country home of founder Shaw and the rose garden with its 6-inch-diameter Mr. Lincoln roses and the dusty herbarium—least colorful of the garden's treasures but one of its most important. Two million botanical specimens are preserved here, including plants gathered by Charles Darwin during the voyage of the H.M.S. *Beagle*. Scientists from all over the world study these desiccated plant remains to understand the evolution of life on earth.

Finally, Gates led me into a dark and dingy building and through narrow passageways crowded with plants and scientific equipment. "Our research center," he commented grimly. "We're trying to raise money for a new one."

As we talked, I heard a faint cheeping in the background. Gates pointed toward a cylinder beside us. "It's a kind of wind tunnel, with a baby chick inside. We can control the temperature and humidity and air flow. We're trying to determine how much water the chick loses when we change one of those variables. It's part of working out the energy budget for a chick—figuring out the energy input and output."

Many of the center's projects involve Gates's energy-exchange theory, and he follows them closely. "It's important professionally that I keep my hand in research," he said. "Otherwise I'm dead in five years." Experimental observations like that derived from the chick test are put through a computer at Washington University. "We can now tell," Gates said, "whether a cardinal or a sheep will be able to live successfully in a particular location. We can predict it."

Cheek by jowl with the wind tunnel was a massive apparatus, a motor connected by plastic tubing to a glass tank, which in turn was surrounded by recording devices and surmounted by a bank of flood lamps. Within the tank rested a tiny lilac plant. "One of our air-pollution studies," Gates said, and introduced me to a tall, quiet scientist named Fred Lanphear, an associate professor of horticulture on leave from Purdue.

The motor, Lanphear explained, produces pollutants which are blown through the glass tank. "We're trying to find out what levels of pollution are critical," he said. "By controlling the temperature with the lamps and the humidity and air flow, we can pinpoint just what pollution does to different kinds of plants in different time periods."

Such studies will provide botanists with the data they need to develop pollution-resistant plants and will provide city planners with a guide in selecting plants that are best able to withstand pollutants. "I'm also interested in using plants as biological monitors," Lanphear said. "They can be more sensitive pollution detectors than most of the equipment available. You just have to know the symptoms." Sulfur dioxide pollution, for example, produces irregular streaking on either side of the midvein of a blade of grass. Ozone, chief ingredient of Los Angeles's photochemical smog, marks broad leaf plants with white flecks or reddish-brown stipples.

Lanphear envisions a time when carefully selected plants will form green belts around factories, not only to monitor pollution but possibly to reduce it. "The fact that pollutants injure a plant indicates it is absorbing them. The question is, to what extent can plants serve as a pollution filter. I'm conducting experiments in the lab to test the premise, and I find that some plants—the Douglas fir, for example—can take in huge amounts of sulfur dioxide without too much damage if they're given enough time."

Another research project at the garden looks toward a day when plants may be used to absorb noise. Scientists place a sound generator on one side of a grove of evergreens, for instance, and a sound meter on the other side. Their observations indicate that plants are better at absorbing high frequency sound (which is more annoying to the human ear) than the low frequency variety.

Members of the garden research staff are frequently away from their desks on field trips. Some have spent long periods of time in Panama—Gates has been a consultant for the Federal Government in determining the ecological consequences of building a sea-level canal through that nation. A former staff scientist has used his knowledge of the tropics to write survival manuals for G.I.'s in Vietnam.

Gates himself is constantly traveling, on field trips into his beloved northern Michigan (It's not what it was when I was a boy—nothing is, I guess—but it's still beautiful) and to professional meetings. He is a fellow of the American Association for the Advancement of Science and on seven of its committees. He serves on commissions and boards for organizations such as NASA and the Smithsonian. His home base is a two-story brick house on the garden grounds, which he shares with his wife Marian and their four children. Marian Gates is a small, bright, outspoken woman who was her husband's classmate back in Kansas. Murray, 21, is a college dropout, a long-haired artist who, like his father, is a former Eagle Scout. There are three daughters: Julie, 19; Heather, 12; Marilyn, 11.

Since it was first propounded, the Gates theory of energy exchange has earned universal acceptance in ecological circles, even though it was the brainchild of a molecular physicist, and other scientists are pursuing research in biophysical ecology. There are some doubters who believe that the "energy budgeteers" will never measure precisely all the environmental variables that work upon a plant or animal—biological rhythmns, for example. But Gates is supremely confident that he has found the key to unlock many of nature's mysteries, and to revitalize the ecological profession as well.

"We need a new breed of ecologist," he says. He believes that it was the development of theoretical physics a half-century ago that made possible the quantum leaps in that science, and that it is the lack of a strong theoretical foundation that has prevented ecology from making similar advances. "We're groping for answers," Gates says. "We try something, see if it works, then try something else. A body of theoretical knowledge will enable us to predict results, to know how organisms will react to changes in their environments. In a sense, this is what the modern environmental crisis is all about." As a teen-age naturalist, Gates had abandoned his father's science because it lacked this kind of analytical precision; now he hopes to bring it around.

All this, however, is in the realm of theory, and Gates is nothing if not a pragmatist. In his Congressional appearances he has frequently wandered from discussions of energy budgets and the ecological discipline to concrete proposals for what he calls "environmental management." Speaking before the House Committee on Merchant Marine and Fisheries, he called for the creation of "ecosystem analysis task forces," which would converge upon a particular geographical area and spend months studying it. "Take Long Island," he says. "I would send in not just ecologists but agronomists, recreational experts, sewage treatment people, sociologists, economists—it might easily be a team of 100 people. They would come up with options: This is what you can expect if things continue the way they're going; this is what can be done and what it would cost. Should this section of land be held out for food production? Is recreation the most important use of the upper end of the island? The task forces might be a Rand type of corporation or a Brookhaven National Laboratory which would report to the President's Environmental Quality Council."

Such studies, Gates feels, are immediately necessary to provide the nation with predictive models, enabling scientists to forecast the results of particular kinds of pollution, to anticipate environmental catastrophies. This type of crystal-ball-gazing is called operations research, and it is no accident that Gates should espouse it. He did the same kind of work during World War II, with antiaircraft weapons. "We'd be asked to figure out questions like this," he recalls. "If the Japanese sent so many suicide planes of such-and-such a speed against a carrier of such-and-such class, what were the probabilities that we could shoot them down?" What worked for suicide planes, Gates feels, would work for pesticide spills and sea-level canals.

Gates is an optimist, a doer, who gets his kicks from solving problems. He wants to believe that man can cope with the environmental crisis, and he does find some heartening developments. "Congress is becoming increasingly concerned," he says. "Scientific groups of all kinds are getting involved. Industry is beginning to cooperate." Public pressure, he feels, is making a difference: "People are beating on their representatives, on local industry."

Yet a touch of nostalgia, almost of despair, constantly intrudes upon his conversation. "It's so difficult to make people understand the seriousness of the threat," he says. "They don't realize how much we've lost already. They don't realize that we live in a closed system, that the air and water, the plants and animals, are being irreparably damaged and there are no replacements. And it's not just a matter of esthetics. When we lose a wildlife species or a plant, we lose a genetic stock that future generations might need desperately for food."

Just before we parted, I asked him if he thought the trend toward human oblivion would be halted. "I don't know," he replied. "It's very likely we won't be able to stem the momentum, but we have to try. We're definitely not going to make it if we persist in fighting major wars, throwing away our energies. Priorities—it always comes back to that. We have to learn to care about what kind of environment we're going to live in. The question is, Will we learn in time?"

As I left Gates's office, I stopped for a moment to take a last look around the garden. My eye rested on a magnificent ginkgo, a thick-trunked wide-branched tree that belongs to a species that is 200 million years old. Gates had told me that the tree was very resistant to insects—hence its longevity—but only fairly resistant to air pollution. Some effects were showing.

Two dozen school children had been sitting beneath the ginkgo earlier. Now, they were gone, and the base of the tree was littered with scraps of paper and discarded softdrink cartons. It was a small incident, and I reminded myself that one could read too much into such things. Yet it seemed a depressing omen.

WISCONSIN RAPIDS DAILY TRIBUNE CALLS FOR END OF DDT USE

Mr. NELSON. Mr. President, there is growing support for communities to stop using persistent pesticides, such as DDT, and instead rely on the alternative means of pest control that are now available.

According to the editorial published in the Wisconsin Rapids Daily Tribune, the village board of Port Edwards has decided to continue using DDT "only when necessary and in small amounts so long as State agencies do not ban the insecticide."

The newspaper takes issue with this decision and cites recent evidence that indicates the real threat of hard pesticides to wildlife and the environment.

The editorial sums up the situation in this manner:

The Village Board's decision to use DDT infrequently and in smaller amounts misses what is the greatest danger in DDT. That is the insecticide's persistence, or long-lasting effect.

There are insecticides other than DDT that are still dangerous to mosquitoes but less dangerous to Port Edwards village residents and to the domestic and wild animal population thereabouts.

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

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

[From the Wisconsin Rapids Daily Tribune, Sept. 15, 1969]

PORT EDWARDS BOARD SHOULD RECONSIDER USE OF DDT

The mosquito population is retiring from its combats with the people population until next spring so the Port Edwards Village Board has time to reconsider its decision to use DDT in the village mosquito control program.

As it now stands, the village policy is to continue use of DDT only when necessary and in small amounts as long as state agencies do not ban the insecticide.

This sounds reasonable until you look into some of the findings on effect and accumulation of DDT in our environment.

Last spring the Food and Drug Administration seized 28,000 pounds of pesticide-contaminated coho salmon taken from Lake Michigan. The concentration of DDT was as much as 19 parts per million and dieldrin, another insecticide, about 0.3 of a part per million.

Both levels are considered dangerous by the FDA and the World Health Organization.

Much of the DDT research so far has been done on fish. For example, a national pesticide study by the U.S. Bureau of Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the U.S. DDT residues ran up to 45 parts per million in the fish, nine times higher than the FDA guideline level.

But more than fish are involved in the pile-up of DDT and other manmade poisons in our environment.

Ecologists, who study the balance and interconnections of living things including man in our environment, are alarmed at the dangers some pesticides present to wildlife and to man. The long-lasting DDT is one of the foremost threats.

Biologists and ecologists are convinced that numerous bird species including the American bald eagle and the osprey in Wisconsin, are losing out along with fish to DDT.

The U.S. Public Health Service and the FDA are in a broad-range study of the effect of pesticides on man.

DDT has been beneficial worldwide in insect control for more than a generation. This has helped to control many insect-borne diseases, malaria for example. But scientists now fear that DDT is doing more harm than good to animals and people.

So far as the Port Edwards Village Board's reliance on state of Wisconsin agencies is concerned, the board doesn't have much to go on.

The Department of Natural Resources conducted a long public hearing on DDT late in 1968 and in the spring of 1969. Much pro and con testimony was heard but the department has not set forth a public policy on its use.

The Department of Natural Resources has banned use of DDT to fight insects in state forests and other public facilities, however, and that should tell the Village Board something.

The Wisconsin Department of Agriculture has its feet firmly on both sides of the fence, saying it "recognizes a need for use of certain chemicals for maintaining quality and quantity of food and fiber, but also takes note of the need for preservation of Wisconsin's natural resources."

The State Ag Department has ceased to recommend use of DDT for fighting Dutch elm disease, but doesn't recommend against it, either.

In the huge and less-coordinated federal government, the U.S. Department of Agriculture has replaced DDT, dieldrin and heptachlor, all persistent, with less long-lasting insecticides in several of its joint federal-state insect control programs.

The Village Board's decision to use DDT infrequently and in smaller amounts misses what is the greatest danger in DDT. That is the insecticide's persistence, or long-lasting effect. The DDT molecule evidently takes years to break down into harmless components. Thus, it continues to build up and keep its killing power even when used in small amounts.

Precise levels of DDT tolerance (safety) have not been determined for man. Warning flags are flying, however, and those who buy and use DDT, and dieldrin as well, should use caution even if they intend to use small amounts.

Gov. Knowles of Wisconsin and the governors of the other midwest Great Lakes states, Minnesota, Illinois, Michigan and Indiana, have asked for a phase out of DDT and similar pesticides and restricted use of them until susbtitutes can be found.

There are insecticides other than DDT that are still dangerous to mosquitoes but less dangerous to Port Edwards village residents and to the domestic and wild animal population thereabouts.

The board can switch insecticides, fight mosquitoes and it won't get a black eye from anybody.

LEGAL SERVICES PROGRAM

Mr. MONDALE. Mr. President, the chairman of the Committee on Labor and Public Welfare, the distinguished Senator from Texas (Mr. YARBOROUGH), delivered an excellent speech on the legal services program to the American Bar Association convention in Dallas, Tex., in August.

The speech sets out the value of legal services, what they have accomplished and what they can do. It describes the value of legal services both to the legal profession and to those in our country who are unable to afford the services of a lawyer.

I ask unanimous consent that the speech, entitled "There Are No Islands Any More," be printed in the RECORD.

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

THERE ARE NO ISLANDS ANY MORE

Chairman Smith, Chairman Raymond, distinguished Members of the Section of Legal Education and Admissions to the Bar and the National Conference of Bar Examiners, Distinguished members of the Bench and Bar, Ladies and Gentlemen:

Having served as a Bar Examiner, District Judge, practicing lawyer and recently a member of the Education Subcommittee of the Senate for the past 11½ years, I feel a genuine kinship to the purpose and work of both groups assembled here today.

I congratulate your efforts to maximize the quality of legal education in this country. Too few realize what an important role the Legal Education and Admission Section plays in assuring that the quality of education in our Law Schools and character of the students is such that law graduates can truly meet the challenge, pressure, and the demands of a modern society as they enter the arena of the adversary system. Through the efforts of your section, 142 law schools in this country have been approved by the American Bar Association. You have assisted in the installation and development of several badly needed new law schools, including, I am proud to say, the new law school at Texas Tech in Lubbock. We in Texas are proud of this new law school, now in its second year.

The National Conference of Bar Examiners has played a no less important role in the search for legal excellence, through your efforts to upgrade procedures for determining qualifications of applicants for admission to the bar and to provide a coordinated clearing house for bar examination questions. Your assistance in the formulation of the Code of Recommended Standards for Bar Examiners and Bar Examinations also has had significant impact upon the augmentation of quality improvement. It was my honor and privilege, while a member of the Texas State Board of Law Examiners, to serve as an official of this National Conference.

We must not fail to recognize the importance of continuing our efforts to improve the quality, as well as the quantity, of our lawyers. Though any practicing lawyer has the tendency to the view that there "are already too many lawyers", the truth is we are not graduating enough. The law schools of our nation graduated 14,700 in 1967 and increased that number to 16,075 in 1968, but the law school enrollment for this year was less than that of last year. And this has occurred in the face of demands we are familiar with": The large law firms need more lawyers; government needs more lawyers; the industries need more house counsel; and the need for more general practitioners in towns and smaller cities throughout the country is unremitting.

But the problems facing our law schools and legal training centers do not stop at numbers, or even at the quality of law graduates. They are broad in base, as so ably pointed out by Professor Joseph Sneed, of Stanford University Law School and past president of the Association of American Law Schools, when he said at the Senate hearings on the 1968 amendments to the Higher Education Act:

"Legal education in this country faces many difficult problems. Like American Society in general, it must come to grips with problems caused by technological change, high density population centers, the demands of racial minorities for full participation in the social economic and political life of the nation, and the ebbing faith in the utility of reasoned discourse."

His testimony and the testimony of many others, and the efforts of many, such as my good friend General Ted Dicker, were instrumental in the subsequent enactment of important improvements in the Higher Education Act and the Higher Education Facilities Act of 1963. These improvements were achieved through an omnibus bill which included the extension of, and improvements in, the Higher Education Facilities Act of 1963 in such a manner as to enhance the construction of badly needed law school facilities; the enactment of Title IV of the Act which provided for improvements in the important National Defense Student Loans, the Work Study Programs, and the Loan Insurance Program, upon which law students have relied heavily on in the past; and finally, the enactment of Title XI of the Act, which provided for an urgently needed new program, a program of grants by the Federal Government to law schools for clinical education.

Let me pause a moment to emphasize the importance of this latter innovation. This program provides for partial financing by the Federal Government of a course which would include closely supervised field experience on the part of third year law students acting as advocate for clients in both civil and criminal cases. When I first started trying lawsuits as a young lawyer, and suffered those first few humiliating setbacks in courtroom combat, and thereby realized that perhaps I did not know quite how to put the law in action, I would have given much for the clinical training afforded by Title XI. I believe this kind of training is as essential to the lawyer as internship and residency is to the doctor.

It is pleasing to note that the Federal Government and the law schools are not the only sponsors of clinical training. A privately endowed organization, the Council on Legal Education for Professional Responsibility, Inc., founded just last year, has as its stated mission "the encouragement of clinical experience as a regular part of law school education."

Clinical training is but one step up the ladder to the improvements necessary to make the law and lawyers relevant to our modern society. Law schools, the government and private foundations must forget their efforts into a commonweal in other areas. From a general perspective, the urgent need for a National Foundation of Law and Justice, substantially as proposed by Congressman Celler, cannot be disputed. The purpose of the Foundation, as Congressman Celler stated, is to "promote improvement in the Administration of justice and in legal education and research." I support the establishment of such a foundation because, analogously speaking, the law and the legal profession have as much need for the great coordinating and supporting services available through it, as the sciences have for the National Science Foundation and medicine has for the National Institutes of Health.

There is also the commendable work being done by the Council on Legal Opportunity. It is their laudatory goal to "recruit and facilitate the training of disadvantaged individuals, particularly the racially disadvantaged, for the legal profession."

And the valuable legal aid services promulgated under the Economic Opportunity Act, and implemented by the Office of Economic Opportunity, cannot be forgotten. As a result of its efforts, during 1967, almost 500,000 poor Americans received advice and representation from Legal Services attorneys in consumer, family juvenile, housing and welfare cases. An additional estimated 50,000 to 100,000 poor people were members of 800 tenant associations, farm worker groups and welfare mothers groups that used Legal Services programs to obtain their rights, set up credit unions and other self-help institutions and win their rightful share of public services. More than one million welfare and medical care recipients, farm workers, tenants and juveniles have been assisted by court decisions, won by Legal Services attorneys, that broadened and protected the rights of whole classes of people. Almost two million poor people who had long regarded the law as their enemy received preventive law education in their rights and responsibilities.

Last year Legal Services attorneys won seventy per cent of the more than 40,000 court trials in which they were involved and over sixty per cent of the more than 400 appellate cases in which they provided representation; averted or stayed eighty-six per cent of evictions sought against poor clients; and won seventy-nine per cent of cases involving local, state, and federal administrative agencies.

The OEO Legal Services Program is one of the more workable and successful poverty programs. It has enjoyed support from the American Bar Association, National Bar Association, National Legal Aid and Defender Association, and the American Trial Lawyers

Association. It is also one of the few that is budgeted at a higher level this year than last. It operated with $42 million last year; this year it has been budgeted at $58 million.

It is because of the great contributions this program has made to the radication of the injustices suffered daily by the poor, that I have co-sponsored Senate Bill 1291, better known as "The Legal Services to the Poor Act." This bill would give some statutory protection to the whole legal services program to make sure that it is not curtailed in the future. It would authorize the program until 1974, and authorize $90 as recommended by the ABA.

I have purposely reviewed the many frontal efforts being made to provide the public with more and better lawyers, and to provide them in the areas where they are most desperately needed, because I fear we may have underestimated the severity of the challenges which confront the legal profession. It is beyond "my poor power" to adequately convey to you the depth and the breadth of the mighty convulsion which is sweeping the land. It is a burst of ideas, an eruption of change in attitude, an upheaval against the system. It has occurred primarily among the young and the racially disadvantaged. It has touched every facet of society, our economics, our morals, our politics, and especially our law. Its manifestations include the riots in our great cities, the campus take-overs, the anti-war demonstrations, and the poverty and civil rights marches. But they also include more subtle and deeper symptoms: dissatisfaction by the poor and the minorities with the courts, with some religious pretensions, and most alarmingly, with a great deal of our political system.

But the deflections from this revolution in thought and action are not all bad. The young of today are not the pliant conformists of the last generation; they are militantly dedicated to the causes in which they believe; they are extremely conscious of social and political problems and they want to do something about them now, instead of just appointing committees to study them for ten years; they have an understanding revulsion for the hypocrisy which permeates parts of American society and so much of the American political system, and they confound their elders with greater concern for their social and political causes than for the financial and material superiority by which we are so accustomed to measuring success.

The law students of this generation have provided a revelation of this in the expressed desire of the top-ranking graduates to work with legal aid centers and participate in the social services aspects of the law, rather than immediately accepting lucrative jobs with the Wall Street firms. And this reflected attitude is part of the challenge, as well as the inspiration, in planning now and into the future for the education of lawyers.

We, as lawyers, have a great opportunity to seize the initiative in our efforts to cope with the great displosion in thought and action, by working to slice out the ill-effects, by taking hold of the good effects, then harnessing these vibrant forces and propelling them in a constructive direction. In many respects, the law, in the broad sense, is our greatest hope. It is the common threat which is woven throughout the fabric of our entire civilization; it reflects our morals, it makes our government workable, and if democracy is to function, it should be the cohesive force of our response to the injustices in our society. DeTocqueville, one of the severest critics of American democracy, observed that "in a democracy social problems are translated into legal problems, if democracy coheres."

Frankly, it has taken our courts, our legal system, our legal educational institutions, our bar groups and the Congress far too long to respond to our cancerous social ills. But real hope emerges from the fact that we have begun to respond. The courts, in such decisions as *Gideon* v. *Wainwright* have assured the ignorant and the poor of the right to counsel. Through our law schools and Congress, the clinical experience programs and the Legal Aid Society have focused attention upon the individual and made representation available to him, no matter what his race, or his economic status, and no matter how seemingly insignificant his legal problem may be. We have begun to face up to the reality which underlies so much of our troubles in these turbulent times, a reality so simply stated by the late Robert F. Kennedy: "The poor man looks upon the law as an enemy; for him the law is always taking something away."

But we really are only scratching the proverbial surface. We need the intensified research and supporting services of the Legal Foundation. We need to expand and improve Legal Aid Services by passing the "Legal Services to the Poor Act."

And our interest in better legal education and services cannot be divorced from the broad spectrum of all the vexations confronting our government and our society, and, indeed, all of man. Legal education is just a part of education generally. Recently, the United States Commissioner of Education, Dr. James E. Allen, Jr. asserted that by 1980, public spending on education will need to total $100 billion annually, "with the Federal Government tripling its share of the cost for elementary and secondary schooling." This means we will need to increase Federal government spending on education from $4 billion annually to $25 billion within the decennium. But many educators disagreeing with Dr. Allen assert that local tax sources have dried up, and that the Federal government must be able to provide $50 billion annually for education by 1980.

My friends, we cannot do this, we cannot spend what we must on higher education, let alone elementary and secondary education, unless we reorient our priorities. As I have stated many times before and repeat: We must end the dreadful expenditures of lives and tax dollars on that wild adventure in the valleys and hills of Vietnam. Precious American lives are being sacrificed at the altar of prestige. The young who need to be educated, the old who need medical services, and the middle-aged who pay most of the taxes are being short changed by its burden.

The asserted need for unnecessary military expenditures of vast proportions are but symptomatic of our failure to think through our national priorities.

The only way this country can meet its rendezvous with destiny and come to grips with the urgent crisis in education, health, poverty, environmental control, and in law and order, is for people like you to realize the dire consequence of spending over $35 billion tax dollars in Vietnam per year and only $4 billion on education, and to become full time lobbyists with the representatives of your government, insisting that the priorities of this country be reordered, so that we can truly commence the crash programs in health, education and the general welfare that are so long overdue.

Edna St. Vincent Millay in one of her beautiful poems tells us:

> "This little life, from here to there—
> Who lives it safely anywhere? . . .
> The tidal wave devours the shore;
> There are no islands anymore."

None of us are safe from the dangers of living in this restless age; threatened by the chance of nuclear annihilation; plagued by the reality of hunger, illiteracy and premature death in nearly two-thirds of the people of the world; troubled by a pollution of our environment that could become irreparable; and fearful that a lasting peace can never be. Thus, we all must strive together, think together, work together, and care together, in a common effort to win the battle over these most ancient foes of man. We MUST do this, because no one of us is an island, anymore.

We must renew what Joe Sneed called "the ebbing faith in the utility of reasoned discourse." I have a faith, a belief, a confidence in the law as the fairest and most just of our institutions. Due to your great work the legal system is growing in its devotion to justice and fairness faster than any other of our institutions. The high standards of intellectual excellence, devotion to reason, and high standards of ethical conduct, increasingly inculcated by legal admission requirements and superior legal educational standards are bed rocks upon which a sounder legal and governmental order are being evolved. I salute you and your leadership in building this foundation for civilization.

THE BIG THICKET—A SAFE HAVEN FOR THE ENDANGERED RED-COCKADED WOODPECKER

Mr. YARBOROUGH. Mr. President, the Big Thicket area of southeast Texas is a refuge for several species of birds and animals which are facing the threat of extinction. One of these rare and endangered species which has found a haven in the Big Thicket is the red-cockaded woodpecker.

This beautiful bird is the smallest and least known of the southern woodpeckers. It nests and rears its young in the trunks of living pine trees. No other woodpecker requires a live tree nest. When the nest tree dies, the red-cockaded woodpecker will desert that tree and make a new nest in a living tree nearby.

At present, the red-cockaded woodpecker is in danger of becoming extinct because the pine trees it requires for nesting are fast being cut down by lumber companies. If we desire to save this beautiful bird it will be necessary that steps be taken to preserve the pine forests of the Big Thicket. This is another reason why my bill, S. 4, which would create a 100,000-acre Big Thicket National Park, should be passed by the 91st Congress. This park would save for future generations this beautiful area and with it the rare plants and wildlife found in it.

THE ELECTORAL COLLEGE SHOULD BE PRESERVED

Mr. McGEE. Mr. President, I noted with great interest in the Washington Post of October 5 an article written by Richard N. Goodwin upholding the basic good sense still present in the electoral college, despite the recent movement to put the election of our Chief Executive on a direct popular vote basis.

Mr. Goodwin and I have, on occasion, had reason to disagree. But in this case, we are agreed. With him, I share a reluctance to scrap the electoral college simply because it threatens to be unworkable. To use a tired cliche, we would be throwing the baby out with the bathwater, for it is the electoral system of counting votes for the Presidency which has, it seems to me, given our politics a fundamental steadiness through the years. We do not have a multitude of political parties because they lack hope of achieving

electoral votes. Thus, our two-party system survives.

Decidedly, the time has come to improve the system, to guard against faithless electors, and to insure against a small group of men, acting on their individual opinions and motives, being able to select the President. But we need not scrap the electoral principle itself in order to perfect it.

We in this body will, before long, be considering the proposal already adopted by the House which would shift the election of the President to a popular vote basis. To quote Mr. Goodwin:

Before embarking on the irrevocable course of abolition, we should be sure that we understand and are willing to risk the possible results.

Mr. President, I ask unanimous consent that Mr. Goodwin's article be printed in the RECORD.

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

ELECTORAL COLLEGE FINDS A DEFENDER

(By Richard N. Goodwin)

(NOTE.—Mr. Goodwin was an adviser to Presidents Kennedy and Johnson.)

Nothing could be more startling or instructive than the unanimity with which the Establishment of politics and media is rushing to embrace a constitutional amendment which might unhinge the entire political structure. For there is good reason to believe that direct popular election of the President might end that two-party system which has helped make the United States the most stable and long-lasting democracy in the history of the world.

Coming, as it does, at a time of deepening national division and ideological strife, that result is even more likely. Yet this immense possibility—a likelihood in my judgment—has been barely mentioned in the curiously muted debate over a proposal to change a constitutional system which has worked well for two centuries.

To make this judgment, one must first separate out the very different issues whose casual blending has seriously obscured discussion. First is the electoral principle itself, in which all the votes allotted to a state go to the candidate with the most popular votes. Second is the legal right of an individual elector to defy the popular will and vote for the candidate of his personal choice. Third is the question of what happens if no candidate receives a majority of electoral votes.

The second and third issues raise a very different problem from the legitimacy of the electoral system itself. It is whether a small group of men, acting on their own individual opinions and motives, should ever be allowed to select the President. Moreover, this is not just an academic possibility. Electors have gone off on their own, and twice the House of Representatives has chosen as President a man who did not receive a plurality of popular votes. (Jackson and—in a rather sordid way—Tilden were deprived of the presidency by Congress despite popular pluralities.)

Certainly nearly everyone will agree that the modern presidency is too important an office to be filled by private maneuvering, deals and coalitions. Still, these abuses can be forestalled without touching the electoral system itself simply by automatically counting a state's electoral votes for the popular winner and providing that a plurality of electoral votes wins. There could also be a provision for a runoff if the leading candidate fell below a specified percentage.

THE 1888 EXCEPTION

None of this requires eliminating the electoral principle itself, which is an unrelated and far more serious matter. That principle is like many other elements of our constitutional structure. It no longer serves the purpose which the founders intended but has assumed other important and rarely articulated functions.

There is, one must admit, the theoretical possibility that a presidential candidate could receive the most popular votes while his opponent won the most electors. Yet in almost two centuries, this has only happened once—in 1888, when Grover Cleveland lost the election to Benjamin Harrison. Even then, Cleveland's popular edge was only 100,000 votes, hardly an overwhelming popular mandate.

If the system has been accurate for over 80 years, it is even more likely to work in the future. For television and other mass media operate to make an election more than ever an expression of a national mood rather than of differences based on state lines. Thus the direct election proposal violates the single most important rule of constitutional amendment: If something is working, don't change it.

We have never before amended the Constitution in anticipation of possible abuse or on the basis of abstract theory. Only after an abuse has manifested itself, and usually after considerable public pressure, have we acted, and even then with reluctance. Surely this is one of the reasons why the American Constitution has endured while more volatile republics rose and fell.

We must remember that no one really knows why this curious mixture of pure democracy, sectional power, protected interests and divided governments has lasted so long. That ignorance should give us pause before we begin to tinker with the mechanism of the Republic on the basis of abstract democratic theory.

THIRD PARTY POSSIBILITIES

One must equally admit that it is impossible to be certain of the consequences of the projected change to direct elections. Yet it is a fact that the only third parties which have lasted in this country have been those with a geographical base—those that could carry states. The most noteworthy modern example has been the Southern Party, from the Dixiecrats through Wallace.

The others have proved transient, or have never begun, in important part because they could not hope to carry any states and would thus receive no electoral votes. (In 1948 Strom Thurmond and Henry Wallace received approximately the same popular vote but Wallace got no electoral votes to Thurmond's 39. The Southern Party is still with us and the progressives passed away.)

Many of those who were tempted by third party movements—and I know this from personal experience in 1968—have been discouraged by the knowledge that their activities would only help swing a state's electoral votes to that candidate who was ideologically furthest from them. With only the popular vote at stake, however, regional roots become irrelevant. Groups united by general conviction or special interest might well think it in their interest to form a new party.

Such a party might bargain with one of the major parties in return for an endorsement or offer to withdraw in the course of a campaign in return for endorsement. It might also run candidates in the hope of forcing a runoff election in which its votes would be eagerly and profitably sought. Based on our historical experience, this could prove an extremely fruitful course.

Fifteen of our Presidents have been elected with less than a majority of the popular votes. Therefore, in almost half of our elections, a third party, at least theoretically, could have held the balance of power. And two of our last three elections have been virtual popular ties.

The experience of some of our largest states demonstrates that this is more than a theoretical possibility. We now have four parties in New York State, with both the Liberal and Conservative parties exercising influence far out of proportion to their strength. Nor is California a stranger to third party politics.

Had direct election been in effect last year, we probably would have had an anti-war party (and I would have joined). The possibilities for the future are limitless. Direct election might well bring us a farmers' party, a senior citizens' party, a black party and other groups coalescing around common interest and belief.

A TIME OF FRAGMENTATION

The possibility of multiparty activity is as much a matter of the psychology of presidential politics as of pure reason, which is probably why it is so little discussed, for relatively few of those involved have had direct experience in presidential campaigns. Yet I believe that our history combines with modern experience to demonstrate that the inability to receive any electoral votes has been a powerful deterrent to third and fourth and fifth party movements.

If this is so, then direct election could not come at a worse time—when the tendency to political fragmentation and ideological division is reaching new heights. This, to me, is the central issue of reform and deserves the most serious consideration. (It will always be possible, of course, for a new major party to emerge; that might well happen in 1972, for the first time since 1850s.)

Other objections to direct election have been rather fully discussed. No great principle is involved in the speculation that it might increase the importance of small states. Purely as a matter of interest, however, I believe that those who anticipate such a consequence would be seriously disappointed.

Most presidential campaigns are directed at a "swing vote" of about 10 to 20 per cent of the electorate. Any candidate in search of those votes must focus his money and efforts on the large states, for that is where the people are and where the most volatile vote is to be found.

In 1968, about half the total vote for the two major candidates came from just seven states. A change of less than 1½ per cent in those states would have canceled out Richard Nixon's entire Southern margin over Hubert Humphrey. No political strategist could wisely advise a candidate to take the slightest risk in the big states in order to pick up a few Southern or border states.

Thus if direct election is approved, the proponents of the "New Federalism" will preside over the dissolution of one of the few remaining levers which less populated sections have on national politics. This may be a healthy thing, but it always helps to be clear about what you are doing when you change the Constitution.

NO PURE DEMOCRACY

The electoral college has not only faithfully reflected the popular will; it has usually strengthened it by giving a candidate with a narrow popular margin a far larger electoral mandate. Against this historical experience is now set the argument that the electoral system offends the theoretical democratic principle of "one man, one vote."

This is certainly so, at least in abstract possibility. We must remember, however, that this is not the uniform principle of our government. The Supreme Court, with its power to overrule President and Congress, is responsible to no electorate. And its insulation from

popular will has helped strengthen it to protect popular liberties.

A Senator elected by a few hundred thousand votes in Idaho has as much power over national affairs as a man selected by several million citizens of New York. Yet the Senate has often been a more liberal and principled body than the House. Men like the Secretary of Defense, whose power over our lives far exceeds that of most of our earlier Presidents, are appointed and removed by one man.

Our national government is not a pure democracy, nor does anyone suggest that it should be. None of our institutions of governments acts exactly as the Founding Fathers expected. Yet they have managed to evolve some kind of enduring and relatively fruitful harmony.

The system is not perfect, and I believe we need some fundamental changes. But when we are asked to change an institution as basic as the Electoral College, the only relevant questions are practical ones. How is it working? What are its functions? What wil be the consequences of change? To act on the basis of rhetoric about pure democracy may have threatening consequences for the future of our actual democracy, and would be in a spirit foreign to the Constitution itself.

For all the influence of mass media and fast planes, we are still a continent, sheltering diverse peoples with very different ways of living. The Electoral College has been one of the institutions tending to strengthen the curious, irrational and frustrating political system which has held us together. Before embarking on the irrevocable course of abolition, we should be sure that we understand and are willing to risk the possible results.

WHOSE LAW, WHOSE ORDER?

Mr. MONDALE. Mr. President, for an administration which rode into office on a wave of law and order rhetoric, the Nixon administration has been behaving very strangely. In practice, it has almost seemed to be a question of "whose law and whose order?"

The most recent example of administration inconsistency in its approach toward law enforcement was the statement of the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice. Incredible as it may seem, he stated that a Supreme Court decision requiring desegregation of all formerly dual school systems could not be enforced. It appears that this administration prefers to pick and choose the laws it will enforce.

The New York Times and the Washington Post summed up the sad state of affairs in this "law and order" administration in published editorials last week. For the benefit of Senators who may have missed the editorials, I ask unanimous consent that they be printed in the RECORD.

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

RETREAT FROM THE LAW

The warning by Jerris Leonard, chief of the Justice Department's Civil Rights Division, that a Supreme Court order to desegregate all Southern schools could not be enforced strikes at the foundation of government by law. It is astonishing at the declared stance of an Administration that, in its rhetoric, has so consistently vowed to uphold law and order.

With every new corkscrew turn of policy, the Nixon Administration demonstrates that its approach to school desegregation is more responsive to the prejudices of Southern politicians than to the legitimate demands to put an end to the illegally maintained dual school systems.

This is why the Justice Department's civil rights lawyers rebelled against the policies they were being asked to pursue. It is why the United States Commission on Civil Rights spoke out against the threat of a major retreat from desegregation. And it spurred the decision of the N.A.A.C.P. Legal Defense and Educational Fund to ask the Supreme Court to redefine "all deliberate speed" to keep that phrase from being perverted into a device for delay.

The plain fact is that the Court spoke fifteen years ago and Congress added in 1964 its mandate for the enforcement of administrative guidelines. For Mr. Leonard, at this late stage, to urge his lawyers to concentrate not on prompt enforcement but on organizing teachers' workshops to smooth the way for desegregation is comparable to asking the Internal Revenue Service to provide courses in ethics and accounting for income-tax evaders.

The Nixon Administration has asked Negroes to accept in good faith its pledges of economic and social justice, but the credibility of such pledges is undermined by the emergence of double standards. The President himself, in opposing "extremism" in school desegregation, equates those who insist on full law compliance with the most stubborn of foot-draggers.

Attorney General Mitchell promises the nation's police chiefs that the Administration will support law enforcement with "all its moral, political and economic power." And on the very same day Assistant Attorney General Leonard scoffs at the thought of enforcing a Supreme Court school desegregation order. Such contradictions can only reinforce Negro suspicions of separate justice for black and white, thus inviting resort to mass disruption as a substitute for the essential faith in justice under a government of law.

RUNNING OFF AT THE MOUTH

As defensive case-making goes, we believe the nation may have witnessed a legal breakthrough the other day in the remarks of the Assistant Attorney General for Civil Rights, Jerris Leonard, on the subject of school desegregation. It is not for us to say in what direction the breakthrough was made or even which way it was going when last seen. We heard only the crash and tinkle of forensic glass and knew we were in the presence of innovation. "Take the Mississippi situation out," lawyer Leonard said, "and give me one example where we have not vigorously enforced the civil rights law." Take the Mississippi situation out—the mind leaps to Sherman Adams (take the Goldfine situation out . . .), to Abe Fortas (take the Wolfson situation out . . .), to Lyndon Johnson (take the Vietnam situation out . . .), and to all the others who lost a case because they didn't have the wit to retain Mr. Leonard.

Depending on whether you view the Assistant Attorney General's riposte as a new high or a new low in the technique of self-defense, you will be able to judge whether or not you would want him representing you. But the fact is that he is meant to represent the interests of citizens—mostly black—whose civil rights have been (and are being) tromped upon. How does he view this mission? It is interesting that in the same week in which Attorney General Mitchell was banging the pots and pans for law and order ("I believe the Department of Justice is a law-enforcement agency. I think that persons who break the law ought to be promptly arrested and tried . . ."), his lieutenant in the Civil Rights Division was setting up a wholly different kind of ruckus. When he was asked about the views of those who make and interpret the laws and who have found themselves at odds with administration policy, he replied: "I don't care if it's judges, lawyers, Legislators or whoever disagrees." He also made plain that these laws were not going to be enforced so long as numerous people found them inconvenient and resisted them. His reply to one reporter at a press conference gave a vivid outline of the limits of law enforcement as understood by Mr. Leonard:

The only thing that changes is the resistance that you run into, and you can't predict that. There is no way of predicting that. There was no way, for instance, of our predicting that 2500 whites were going to storm a school board meeting—and you should have stayed down there with me, Carl, you would have really learned something about this whole process. I mean it. Twenty-five hundred yelling, raging white people standing there in a high school auditorium, one woman with a noose demanding that the school board close the schools. Now I'll tell you something, Mr. Stern, even you would have voted to close the schools under those circumstances.

So much for law enforcement—one wonders: does the principle apply to campus disorders and uprisings in the ghetto as well? The Assistant Attorney General maintained that this special permissiveness was owing to lack of enforcement funds and personnel, not to a lack of devotion. Well, we shall see. Mr. Leonard's remarks were made by way of responding to the publication of a protest by the lawyers in his division against the Department's preventing them from carrying out "clearly defined legal requirements." It had been a very decorous and restrained rebellion, just as the criticism of the administration on this score, made by the Civil Rights Commissioners among others, had been notable for its responsible, more-in-sorrow tone. To this—mention of the Civil Rights Commission's complaints—Mr. Leonard had a reply too: "I think you've got a lot of people who are frankly running off at the mouth who don't know what the facts are." We think someone is running off at the mouth too—but we don't think it's the Civil Rights Commission.

WATER POLLUTION

Mr. NELSON. Mr. President, the Lowell, Mass., Sun recently published a series of articles on water pollution that deserves the attention of the Senate. The series was written by Franz Scholz under the general title of "A Week on the Concord and Merrimack Rivers—With Apologies to Henry David Thoreau." The article describes in vivid and graphic language the terrible consequences of untreated sewage being dumped into rivers.

The first installment, entitled "A Close Look—or Smell—of Rivers," describes the actual condition of the rivers as seen from a boat. The second, entitled "Pollution Menaces Riverside Residents," describes the effects of the pollution on the fish living in the water and the people living along the banks. The third article, entitled "Pollution Costs $40 Million," scans the loss of potential income due to the state of the rivers.

Dr. Bela Fabuss, director of Lowell Tech's Environmental Pollution Research Division, wrote the last installment, entitled "Pollution of the Merrimack River," which outlines a pollution

abatement plan for the Merrimack River Basin.

Mr. President, it is encouraging to see members of the press taking this urgent crisis seriously by writing such well-written and exposing reports. I ask unanimous consent that the articles be printed in the RECORD.

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

[From the Lowell (Mass.) Sun Sunday magazine, Aug. 31, 1969]

A CLOSE LOOK—OR SMELL—OF RIVERS

(EDITOR'S NOTE.—During the past weeks we journeyed up the Concord and Merrimack Rivers following the route tranversed by Henry David Thoreau in 1839. The purpose of our journey was to observe the changes in the rivers and their environment since the days of Thoreau. In this, the first article about our journey, we describe the pollution in the rivers.)

(By Franz Scholz)

LOWELL.—In the past 130 years man has turned the Merrimack River from what Henry David Thoreau called a "silver cascade" into a dump for raw sewage and industrial waste.

Vacationing on the Merrimack and Concord Rivers in 1839, Thoreau, although even at that time weary of the pollution of the rivers, described the Merrimack as "a silver cascade which falls all the way from the White Mountains to the sea."

On a recent journey of the Merrimack River, we found a description of the river offered in 1966 by Sen. Edward Kennedy to be more apt of its present state: "Suitable only for the transportation of sewage and industrial waste."

Aided by several experts and concerned observers, this reporter and a photographer recently retracted the route Henry Thoreau traveled in 1839. With two boats lent us by the South Concord Boat House, we started out August 23 from behind the Concord Academy in Concord, Mass., and traveling on the Corcord and Merrimack Rivers arrived in Concord, N.H., August 27. The next day we spent coming back down the Merrimack to Lowell and on August 29 spent an additional day traveling down the Nashua River.

Traveling with us for a day each were Cong. F. Bradford Morse, Dr. Bela Fabuss, director of the Research Division at Lowell Tech, and Arthur Rowse, national columnist and publisher of the Washington based biweekly newsletter U.S. Consumer.

The purpose of our trip was to observe the nature of the river, its pollution, the causes of pollution, the effects of pollution, and to learn why it is not cleaned up.

During his trip, Thoreau described the Merrimack as a "living stream." "Unlike the Concord, the Merrimack is not a dead but a living stream," he said, "though it has less life within its waters and on its banks."

We found the same description applies today.

Much larger than the Concord, sections of the Merrimack flow at an almost uncontrollable pace. Between Nashua and Manchester, N.H., the river's rapids are so strong they would not let our boats, powered with a four horse outboard motor, through.

At other points—just above the Pawtucket Falls in Lowell and above the falls in Manchester—the river is calm, allowing sludge and other particles floating on its water to sink to the bottom. Even at these points, however, a strong, often shifty current flows down the middle of the river.

The Concord, by comparison, is calm with a slow current until it reaches the old Talbot Mills, afterwhich it rushes to join the Merrimack.

In this rather still mill biological and aquatic life is more evident than on the swift Merrimack. Small sun turtles, with their bright orange bellies, were seen by the hundreds sunning themselves on stones, logs and branches along the Concord. Water weeds on the bottom of the Concord often got tangled in our paddles and on the wheel of our motor as we travelled close to its banks.

At several points we were reminded of Thoreau's description of boys fishing along the banks of the Concord. On the Saturday we traveled down the river boys were seen as Thoreau observed 130 years earlier fishing in Concord and Billerica along the banks of the river and in boats.

The only anglers seen on the Merrimack during our five days there were two men Tyngsboro, five boys fishing (for carp) over a sewer outfall in Nashua, two boys next to another sewer outfall in Nashua, three boys on the banks of the river in Manchester just below a point where a stream of blood from a slaughter house empties into the Merrimack.

Some small fish, believed to be sunfish or kivers were seen in a shallow portion of the river in Concord, N.H., and two fishermen were seen headed north of Concord in a motorized canoe.

Vegetables was also less in evidence on the Merrimack than the Concord River.

Water lilies and weeds abounded on the Concord, but were only seen in sections along the Merrimack.

Whereas in the Concord, we could scrape the river's bottom with an oar and bring it up tangled with water weeds, scraping the bottom of the Merrimack produced only a grayish substance which looked like wet coal ashes.

This gray sludge comprises a large part of the river's population.

It abounds at bends and turns in the river where the current is usually slow and thus allows particles in the river to sink to its bed.

These particles originally start out as raw sewage and industrial waste deposited in the river mainly in the larger cities along its banks.

Where the sewage spills into the river, the large pieces of human waste and other heavy solids sink to the bottom quickly. The smaller particles, such as paper, less dense wastes and floatable material such as contraceptive devices, are carried downstream by the river's current.

The current continually breaks up these pieces as it carries them along and the further they travel down the river, the more the river's water helps dilute them. Along their journey downstream, however, the current drops some of this waste on the bottom of the river, perhaps at a bend or along the banks where the current is not strong. It also breaks up the larger solids which settled to the bottom after spilling out of a sewer pipe and slowly moves them downriver. The result is the sewage is continually being moved downstream and deposited all along the river's bed.

Despite the sewage evidenced at every portion of the river, its most impressive feature is the water it holds.

At some points the river is as wide as a football field is long and the strength of its currents caused us to admire the strength of earlier men who carried out commerce on the river.

Another impressive feature was the white sand (Thoreau said the river had a "yellow pebbly bottom") which lined the river's banks and often forms what could be pleasant beaches.

The amount of water in the river and its swift current and perhaps also sandy shores saves the river from being even more polluted than it is.

The amount of water in the river serves to dilute the pollution. Dr. Fabuss' tests shows it dilutes the raw sewage poured into the river so the pollution count is roughly one 17th to one 31st of that of settled sewage.

The swift, challenging current moves the pollution down the river and although it spreads the pollutant material the length of the river, it also helps wash away the bottom where sewage has settled for the past hundred years or more.

As long as new pollution is poured into the river, however, pollution can be expected to pile up on the river's bottom.

On the bottom, the pollution material produces the same effects as a farmer's compost pile. It decomposes, robs the water of oxygen essential to aquatic and vegetation life and lets off gases. The gases appear on the surface in the form of bubbles, which were evidenced on all parts of the river, except at the rapid moving falls between Nashua and Manchester. The gases are also responsible for much of the odors coming from the river.

Thus, the expense of water in the river and its swift current dilutes the sewage and other waters, and carries it along the river. Although the largest sources of pollution were found mainly in the big cities—Lowell, Nashua, Manchester and Concord, N.H.—the current has carried it downstream polluting all parts of the river.

As more and more sewage is dumped hourly the sludge deposits on the bottom increase. After observing the river between Lowell and Nashua, Dr. Fabuss observed, "The river could take care of the pollution load on this stretch by self-purification, but added pollution upstream and downstream makes the conditions progressively worse and overloads the river." And, he added, "The quality of suspended solids in the river is so large that their disposition in river bends leads to accumulation of sludge deposits and to their decomposition. This decomposition goes on without sufficient oxygen, with formation of malodorous gases."

Rats, perhaps attracted by the pollution deposited on the bottom and banks of the river were observed daily—they were most numerous in Lowell behind the new post office building in the Northern Canal area.

Dumps all along the river also attract rats. On the Pawtucket Boulevard side of the river from Lowell to Tyngsboro we observed more than 15 areas people have used for dumping (we counted eight refrigerators thrown over the banks along that stretch). Old cars, bottles and cans, discarded cement pipes and other refuse is prevalent along nearly all sections of the river.

With Cong. Morse as our traveling companion on the second day out, we observed three rats together on a small sand barge surrounding some stagnant water and others scurrying off into the bushes behind the Northern Canal area. More rats were seen feeding around sewage outfalls in Nashua and Manchester. In Concord, where the river is considerably clearer, rats were replaced by large beaver and muskrats.

The polluters—sources of the waste which scars the river—number in the hundreds. They may be grouped in three categories—large public polluters, large industrial polluters and small public and private polluters.

The large public and industrial polluters are located in the large cities along our route—Lowell, Nashua, Manchester and Concord, N.H.

The small public and industrial polluters are located in the large communites as well as the smaller communities—Chelmsford, Dracut, and Bedford and Merrimack, N.H.

All of the four large cities listed, with the exception of Nashua, dump all their raw sewage into either the Merrimack or a tributary, such as the Nashua River, untreated. A portion of Nashua's sewage is given primary treatment, which means it is screened of the largest solids.

Lowell dumps its sewage into the river at approximately 28 different places. On our trip, we found only two—one at the mouth of the Concord and the other on the Pawtucket Boulevard side of the river approximately 300 yards upstream from the Bridge Street Bridge.

Untreated, it enters the river in pipes of from four to 10 feet in diameter looking like dirty water, but carrying identifiable particles of human waste, toilet paper and almost any other substances flushed down toilets, sinks, bathtubs, and clothes washers.

In Nashua we observed six such sewage out flows, all but one containing raw sewage. Two were just below the Hudson Bridge, one just above the bridge and two near the mouth of the Nashua River. The city engineer, however, says there are another 10 or 11 outfalls in Nashua.

The heavy solids in the sewage at one of the outfalls on the Nashua had built up a mound around the pipe carrying the waste into the river about three feet high for 20 feet from the pipe. So grotesque was the area, with new sewage flowing over it, I called it Nashua's Scab.

During the peak hours (early afternoon and early evening) sewage from this pipe left the water white and formed an unbroken stream of solids for a mile as it flowed down the Nashua into the Merrimack.

A sample of the water about 50 yards from this pipe by Dr. Fabuss corresponded to settled sewage diluted six times.

Manchester owned the laregst single sewage outfall observed on our trip. We spotted it just before we reached the long line of mills in the New Hampshire city. Its nucleus was a pipe 10 to 15 feet in diameter which spilled raw sewage over a manmade waterfall directly into the river.

Although the rapids prevented us from exploring further in Manchester, the city's engineer estimated that the city's sewage pours into the river from 20 points.

Concord, N.H. differed from Manchester only in the volume of sewage it deposited in the river. Like Manchester, it dumped its untreated sewage containing identifiable pieces of human waste, directly in to the river. While taking pictures of this identifiable waste, Photographer Richard B. Taffe Jr. had to spit continually to keep from vomiting.

Of the three New Hampshire towns, Manchester undoubtedly was the largest polluter, followed by Nashua and Concord in that order. According to a 1966 report of the Federal Water Pollution Control Administration, Lowell is a larger polluter than both Manchester and Nashua combined.

According to the same report, some of the large industrial polluters we saw along our route challenged and even surpassed the amount of solids and other pollutants the city of Lowell poured into the river.

A rat infested river of blood and other animal wastes, demanding more of the Merrimack's oxygen than the city of Nashua, flowed from a Manchester slaughter house directly into the river. The smell of the fresh blood, rats and solid material carried by the blood, again caused our photographer to gag to keep from vomiting. The owner of the slaughter house saw nothing wrong with the dumping of his wastes.

A Nashua based tanning company, bearing the same name as the Manchester slaughter house, poured about one-third as much solids into the river as did the city of Nashua. Its wastes, when released colored the river white and red.

Another tanning company in the city of Merrimack poured about the same amount of waste in the Souhegan River, at about 20 yards from where it enters the Merrimack. Other wastes on the Souhegan colored the river red and blue.

But, the largest polluter of all, in relation to the amount of suspended solids they dump into the river, were paper companies in Fitchburg, Mass., which we observed during our last day on the Nashua River.

Some of these paper companies run the river directly through their plants. As it enters the plant, the river appears greenish brown. When it comes out the other sides of the mills it is absolutely white and carries acids and other chemicals.

The largest of the three Fitchburg paper mills pours more solids into the river daily than do the cities of Lowell and Manchester combined. The other two each drop more wastes than the city of Lowell.

The three mills are three of the major reasons why the Nashua River is the dirtiest of the tributaries flowing into the Merrimack.

Smaller private public polluters make up the largest number of polluters, but do not cause the destruction of the larger polluters.

They range from private households along the river (one count set the number of such polluters in Tyngsboro alone at 27) to a chemical company in Nashua, a rendering company in Billerica, a silver company in Lowell, a Lowell textile company, a large defense contractor in Nashua, as well as the smaller townships of Dracut, Chelmsford and Hudson, Merrimack, Bedford, Derry, Salem and Milford, N.H.

Of the private households and small communities, raw sewage comprises the majority of the wastes they deposited in the river. The small industries dump dyes, acids, caustics, ammonia, animal wastes, wood and rag fragments, grease and practically every chemical imaginable into the river.

Some, such as warm blood, dyes, grease, ammonia, human waste, and animal parts are identifiable with the human senses. Chemicals are not. They must be examined in the laboratory.

[From the Lowell (Mass.) Sun, Sept. 3, 1969]

POLLUTION MENACES RIVERSIDE RESIDENTS

(EDITOR'S NOTE.—While traveling up the Merrimack and Concord Rivers, traversing the same route plied by Henry David Thoreau in 1839, he witnessed the devastation the polluted water of the rivers cause life both within and immediately surrounding the streams. This, the second article, about our journey describes the effects of pollution on fish living in the rivers and people residing along their banks.)

(By Franz Scholz)

LOWELL.—Prior to the 19th century, commerce in the Merrimack Valley depended largely on the Merrimack River.

Henry David Thoreau, traveling the river in 1839 reported seeing ferries, canal and fishing boats plying the river. The bricks from which the factories in the city of Lowell were made, he said, were transported from Manchester on the river.

As we journeyed up the Concord and Merrimack Rivers from Aug. 23 to Aug. 29, following Thoreau's route on the rivers, we saw no signs of commerce. The only boats seen during our seven day journey were pleasure boats on the Concord from the South Concord boat house to Billerica and on the Merrimack from Lowell to the Tyngsboro bridge. Later, above the falls in Manchester other pleasure boats, some equipped for water skiing or hauling fishermen, were seen.

PREDICTED DECLINE

Writing 130 years earlier, Thoreau predicted such a decline in boating on the river: "In a few years there will be an end to boating on this river," he said.

Commerce on the river declined shortly after the advent of the railroad and the construction of super highways alongside the vast bridges over the river.

Outside of the few pleasure boats seen and an occasional young boy fishing, the only other uses we saw being made of the Merrimack was a depository of sewage by the major cities and towns and wastes by the huge factories along its banks, as a source of power for the same cities and factories as a source of water used by farmers to irrigate their crops and as a public water supply for the City of Lowell.

Of these sources, the disposing of waste from both public and industrial sources was far away the most widely practiced.

Fishing and boating, as noted, were seen only occasionally and only on certain sections of the river—Concord, Lowell, Tyngsboro and Manchester. (So rare was boating in the river above Nashua that children who spotted us making our way up the river called their parents and neighborhood friends to witness the unusual sight, and in Manchester, a policeman, who forbade us to rest our boats on the banks of the river a few yards from highway 495, looked at us in disbelief when we told him we had come all the way from Concord, Mass.)

Use of the river for irrigation was also restricted. We saw only a dozen or so farmers and two golf courses using the river's water to irrigate their crops or golfing greens.

Lowell was the only city using the river as a source of public or drinking water. (Further down the river, Lawrence also uses the river for drinking purposes.)

SPILL SEWAGE INTO RIVERS

And, although several of the larger cities and industries were seen using the river's water to supply electric power, we more often observed large cement pipes through which the cities spill their raw sewage into the rivers—the larger cities each poured sewage at 20 or more points into the rivers. In addition, the industries, also located mainly in the larger cities along the rivers, poured their wastes (for the most part untreated) into the rivers at hundreds of points—some of the largest industries, as pointed out in a previous article in this series, spilled more waste solids into the river's water than did the public sewers in the cities of Lowell and Manchester combined.

This dumping of raw sewage and industrial wastes has gone on for hundreds of years. Thoreau witnessed in 1839: "The river," he said of the Merrimack, "was devoted from the first to the services of manufacturers."

The result, as we learned, was the rivers' waters were so polluted they corresponded to settled raw sewage diluted from 17 to 31 times.

Near the sewage outfalls, the rivers' waters even more nearly approximately raw sewage. A sample taken of the Nashua river, approximately one half mile from the point where it flows into the Merrimack, for example, showed it corresponds to settled raw sewage effluent diluted less than six times.

POLLUTION COUNT IMPROVED

Downstream, further away from the large cities, we found the pollution count somewhat improved as a result of the river's ability to purify itself. Near the Lowell water plant intake, for example, a sample of the water corresponded to settled raw sewage diluted nearly 21 times.

In a previous article we described the effects of this pollution on the water and on the bed of the Merrimack watershed. In this and the next article we will describe the effects of pollution on the environment both within and immediately surrounding the rivers.

Examined in the remainder of this article are the effects of pollution on aquatic life within the rivers and the potential enjoyment it steals from people living along the rivers.

Again, we will rely on Thoreau to provide us with a knowledge of the fish living in the rivers when he made his journey in 1837.

In the Concord, he observed anglers catching a variety of fish: sun-fish, bream, common perch, cousin trout, dace, shiners, pick-

erel, horned pout, suckers, common eel, and sometimes in the rapids lamprey eel were found. At one point, he described a "kingfisher sat upon a pine over the water and the bream and pickerel swam below."

Formerly, he wrote, salmon, shad and alewives were abundant in the Concord until the "dam and canal at Billerica and factories at Lowell put an end to their migration hitherward."

He reported essentially the same fish living in the Merrimack, where shad, alewives, salmon and bass were in greater abundance. "But," he observed, "locks and dams have proved more or less destructive to the fisheries."

THOREAU WARNED IN 1839

He also warned in 1839 of the destruction factors wastes wrought aquatic life, advising, "it concerns up to attend to the nature of fishes."

Nevertheless, he observed men and boys fishing all along the banks of the two rivers, some marketing their catches and depending on the money they brought for their livelihood.

Gradually, the shad, alewives, and salmon disappeared, partly, perhaps, because of the dams, but also because of the river's pollution.

SPECIES DISAPPEARED IN 1938

Earl Hoover, New Hampshire's state biologist reported the disappearance of these species in 1938. Surveying the possibilities of stocking the Merrimack, Hoover wrote, "the problem resolves itself into whether fisheries or pollution are of most significance."

Although the salmon, shad, alewives and finer fish Hoover found to be practically nonexistent in the river at that time, bass and pickerel, he said were found in abundance.

But, he recorded "they are seldom fished. This anomaly may be attributed to the anglers' dislike of fishing waters which are polluted, but not with pollutants which are toxic or in sufficient quantity to kill fish throughout the entire river.

In a 1966 report, the federal water pollution control administration offers a remarkably similar description of the effect of pollution on the aquatic life in the Merrimack watershed.

AVERSION TO USING FISH

"Parts of the Merrimack River in New Hampshire possess an outstanding fishery," it states. "However," it adds, "there is public aversion to using fish caught from the river for food because of the raw sewage emptied into the river."

Moreover, because of pollution, shellfish beds in the estuary of the river have been closed to harvest since 1926. Today, shellfish can be taken in only certain small sections, but must be treated in the shellfish depuration plant at Newburyport before marketing.

The fish contained in the Merrimack between Nashua and the state line according to the U.S. Fish and Wildlife Service in 1966 are yellow perch, red-breasted sunfish, pumpkinseed, large-mouthed bass, astern chain pickerel, northern yellow bullhead, northern common bullhead, eastern golden shiners, eastern common shiners, fallfish, long-nosed dace, eastern black-nosed dace and eastern common suckers.

In addition, some shad migrate into the river, but can not make it past the Pawtucket Falls in Lowell.

As for salmon. The Fish and Wildlife Service reports it hasn't seen a salmon in the Merrimack in almost 50 years. Their disappearance, it says, is attributed mainly to dams and pollution.

We saw fewer species of fish than reported by the Fish and Wildlife Service and considerably fewer fishermen than Thoreau observed.

In Concord, Mass. we saw boys catching horned pout and bass. Other fishermen reported having caught pickerel in the clearer waters of the Concord.

Suckers and carp also reportedly fed off the bottom of the river and occasionally, with the bright sun reflecting off the surface of the calm waters, we could see what appeared to be minnows jumping on the surface.

Turtles also abounded in the river. On one log laying in the water on the left bank of the Concord, we spotted about 20 little sun turtles basking in the sun. Along the shores, the shells of shellfish could also be found, apparently caught by beaver or muskrats, brought ashore, opened and eaten.

When we got into the much larger Merrimack, we observed fewer fish, especially when we passed through the larger cities of Lowell, Nashua and Manchester where the vast majority of sewage and other wastes polluting the water enters the river.

On the long, desolate stretches between the cities, however, more fish could be seen jumping in the water.

Carp and suckers and horned pout were the only fish we saw in the sewage infested water near the large cities. Residents of Lowell and Manchester, however, reported having caught bass and even some perch from the banks of the river in their cities.

Between the cities, the scavenger fish were joined by bass, pickerel, sun fish and minnows.

Some people on these long stretches reported having caught or seen trout in these waters, although most people agreed that trout were more plentiful in the clean brooks and streams which run into the Merrimack.

FISH PREFER STREAMS

Owen Flynn, sports editor of The Sun, who has fished the river for many years, supports the observations we made. Trout and some of the more delicate fish, he tells us, enter the Merrimack from the clean brooks and streams. Because of the pollution on the larger river, however, most, he says, prefer to stay in the clear streams.

Contrary to what we expected, more anglers were seen in one day along the banks of the smaller Concord than in six days along the Merrimack river. Anglers abounded along the banks and in boats along the Concord river from the Concord bridge, almost to the dam at the old Talbot mills.

In the Merrimack, we saw only six groups of fishers—one between Lowell and the Tyngsboro bridge, two other over sewer outfalls in Nashua, a group of boys at the mouth of a river of blood flowing from a slaughter house in Manchester into the Merrimack, another just above the dam in Manchester, and the last in a boat headed north in Concord, N.H.

Ironically, approximately one half of the anglers on the Concord River happened to be colored people—all adults—from what are predominately all white communities.

The remainder of the anglers were mixed between adults and young boys.

Their main catches consisted of horned pout, bass, perch and sun fish.

On the Merrimack, the staple catch was carp or suckers and horned pout, although further north some people were after bass, pickerel and perch.

Some of the fishermen seen were more lucky than others.

Two men fishing for bass and pickerel along the banks of the Merrimack in Tyngsboro had no luck at all on the Sunday we met them.

Just above the Tyngsboro Bridge on Monday, however, a resident of the area reported his son and a friend had fished 86 horned pout out of the river in a span of two hours the day before.

NOT MUCH LUCK

No one else had such luck, although lads fishing over sewer outfalls in Nashua and Manchester did manage to catch some carp. Fins of the huge carp and suckers could be seen as they fed on the raw sewage which poured out of pipes into the river in Nashua and Manchester.

Perched above the sewer pipes or standing on the banks alongside, youths baited hooks with either kernels of corn or worms and in minutes usually had a large carp on the end of their line. Occasionally, a horned pout nibbled at their baited hook, but their primary catch was carp and suckers.

They fished only for the sport and fun of wrestling with the huge large scaled fish on the end of their line. They either freed or left the fish they caught on the banks to die.

The other groups of fishermen seen—one just above the dam in Manchester and another in Concord, N.H. heading north—had exactly the same number of worms when we met them as they had when they started fishing. Both groups of fishermen were primarily after bass and pickerel.

From talking with people, we learned that many residents along the banks of the river above the Manchester dam fish the river for sport. On the days we traveled that stretch, however, we did not see any lines in the water.

Nights, after we docked our boats, or while resting during the days, we often spoke with residents about fishing in the river. Most of the more experienced fishermen we spoke with said they prefer to fish the long stretches between the huge cities where sewage is not so abundant than in or near the cities where the waters are more polluted.

We found only one person, however, who said he took his catches home for his wife to serve on a platter. The others echoed the words of New Hampshire's former biologist and the fish and wildlife service—"I won't eat those fish. They live on sewage."

The sewage dampens not only their appetite for the fish, but also their desire to go fishing. Most of the fishermen we spoke with told now they used to fish the river every chance they had, but now do not like to put their boats in the sewage infested water or expose their hands or other parts of their bodies to it.

We used to spend weekends fishing between Nashua and Manchester, said one man about 35 years old. Now we won't go near the water. I bought myself a trailer, and when I feel like going fishing I pack my gear in it and go up north or to upstate New York, he said.

In Nashua, we spoke one night with several residents who had come down to the river to survey the progress made on the new Hudson bridge being built on the river. After assessing the progress made, their attention turned to kids fishing over a sewage outfall several yards below the new bridge.

FILTH RUINS FISHING

Watching the young boys reminded them of the days they fished the river. It's probably not as bad (polluted) now as it was then," one said, observing that many of the factories along the river have closed down. Staring at the kids fishing over the sewer, he added, however, that the "dirt and filth the cities pour into the river takes all the enjoyment out of fishing."

"I don't fish any more," a Nashua barber, married with two children said, "at least not in the Merrimack."

Normally, one would believe that people living along a river such as the Merrimack would enjoy not only fishing, but boating, and swimming and other water sports as well. But, as already seen, because of the pollution few fish the river. So even fewer swim in it. Boating is more popular, but

water skiing and other sports in which the human body comes into contact with the water is virtually non-existent.

The lone exception again is just above the dam in Manchester, where homes line both banks of the river—we saw one lady with her two dogs on the river and virtually all the residents swim and boat out on a paddle boat—and most water ski.

The only other sport along the river where boating seemed popular was between Lowell and Tyngsboro. We saw perhaps a dozen boats on the Sunday afternoon we plied that stretch of water. Most of the boats were docked at the Lowell Boat Club.

Smaller craft, mainly canoes and row boats were seen on the Concord River.

But, for the most part, residents along both rivers enjoyed few of the advantages expected from a water front home.

We found only one family outside of the people living just above the dam in Manchester, which swam in the Merrimack. "We probably shouldn't swim in the river," the man of the house said. "But we do anyway."

Others observe the "bathing prohibited" sign posted on the old Lowell Bath House on the Pawtucket Boulevard.

Many, perhaps most of the people living along the Merrimack, don't have boats of any kind. Moreover, a great majority do not even have steps or a path leading down to the river.

Most of the residents we spoke with along the river admitted they do not use the river—some even forget it is in their backyards, except on warm summer nights when it gives off gaseous odors.

The only advantage it gives me, one resident said, is a breath of cool air on warm days and a scenic view to look out over. On warm nights the smells from the river negates all these benefits, he added.

DON'T GO NEAR WATER

Of most interest to us, however, was that many of the residents do along the river, have no access to it. Some have built steps or worn paths to the river, but a surprisingly large number simply do not go near it. "What do I want to go down there for," said one resident, "I can't swim in it and I don't have a boat." He has two children and said that if he had steps or a path leading to the river, it would make it easier for the children to fall in or try to go swimming.

Another interesting aspect of life along the river, is that many of the homes (especially in Hudson, N.H.) are abandoned. Other homes are only summer residents. In Tyngsboro, one man said he saw his neighbor whose home is used only during the summer, one day in the past year.

Finally, the benefits pollution in the river steals from people living along the river is indicated by the fact that for the most part, the banks of the Merrimack are underdeveloped. Large stretches of land along the river (especially between Tyngsboro and Nashua, Nashua and Manchester, and Manchester and Concord) are desolate, at several points with no houses seen for miles.

In this respect, the river remains much the same as Thoreau saw it. "As one ascends the Merrimack," he wrote, "he rarely sees a village, but for the most part, alternate wood and pasture lands, and sometimes a field of corn or potatoes, of rye or oats or English grass, with a few straggling apple trees, and, at still longer intervals, a farmer's house."

Farms still take up much of the land along the river. In Hudson, N.H., we visited with two farmers, although other farms could be seen beyond the trees along the banks. Three golf courses also help make up the banks of the river.

For the most part, however, the river's banks are undeveloped.

[From the Lowell (Mass.) Sun Sunday magazine, Sept. 7, 1969]

POLLUTION COSTS $40 MILLION

(EDITOR'S NOTE.—While traveling up the Merrimack and Concord Rivers, traversing the same route plied by Henry David Thoreau in 1839, we witnessed the devastating effects of pollution on the recreation potential of the river and the land value of the land along its banks. This, the third article about our journey, describes these as well as other potential benefits lost because of pollution.)

(By Franz Scholz)

LOWELL.—The cost of pollution in the Merrimack staggers the imagination.

The loss of income due to pollution to the people of the cities and towns along the river's banks amounts to an estimated $40 million annually and is continually rising.

The cost of cleaning up the river is more than six times that figure.

In addition to dollar and cents costs of pollution, there are numerous immeasurable costs. Untold hours of pleasure derived from swimming, boating and fishing are lost because of the human and industrial waste infestering the water of the Merrimack, producing obnoxious odors. These wastes also pose as a potential threat to the health of communities using the river as a public water supply and farmers using it to irrigate their crops.

We base our estimated $40 million annual loss of revenue to pollution of the Merrimack on a 1966 Federal Water Pollution Control Administration (FWPCA) estimate. In 1966, the FWPCA set the estimated loss of revenue at $37,000,000. Using this estimate and applying a rate of three per cent increase per year during the period of 1966 to 1969, we arrived at our estimate.

Of its $37 million annual total, the FWPCA estimated that cities and towns along the Merrimack miss out on $21,300,000 annually in income which could be realized from the fishing, swimming and boating potential of the Merrimack if it were not polluted with human and industrial wastes.

Another $9,100,000 annually goes begging because of deflated value of the 1,830,600 feet of river bank footage available along the Merrimack and Nashua Rivers.

As a result of the pollution and deflated land values along the river, cities and towns on its banks lose out on an additional minimum of $5,500,000 in increased tax revenues.

Finally, the polluted state of the river deprives cities and towns bordering on its banks of an additional $1,100,000 in the loss of the commercial value of the rivers estuary and other miscellaneous benefits.

During our trip up the Merrimack last month in which we traversed the route plied by Henry David Thoreau in 1839, we found practically all the land along the banks of the Merrimack could easily be made into beautiful sandy beaches, shady picnic areas, sanctuaries for birds and other wildlife or could become peaceful spots for river front homes, hotels and resort dwellings.

Much of the land along the banks, especially on the long, largely uninhabited stretches between the large cities, reminded us of the banks Thoreau described on his journey up the Merrimack.

"Other roads do some violence to nature, and bring the traveler to stare at her," he wrote, "but the river steals into the scenery it traverses without intrusion, silently creating and adoring it, and is as free to come and go as the zephyr."

On our "retired and pleasant" route between Nashua and Manchester, we found little, other than the river "creating and adoring" the willow and pine trees which grace its white, sandy banks. Accompanied only by sea gulls, long-legged cranes and other birds, we left Nashua at seven in the morning on the fourth day of our journey and headed towards Manchester. By mid-morning we had passed some factories in Merrimack, N.H. and then did not come upon a home until mid-afternoon as we reached the Manchester city limits.

Other stretches were equally as pleasant.

On the second day of our trip, Cong. F. Bradford Morse joined us as we turned out of the Concord River into the Merrimack just below Bridge Street in Lowell.

The Lowell factories uglied the left side of the Merrimack as we headed in northerly direction. The Congressman, however, was taken in by the white sand, willow trees and pleasant surroundings on the opposite bank.

"Beautiful," he said, as he looked at the unmolested trees on the Pawtucket Boulevard side of the river in Lowell.

Wanting to see more, he urged us to transgress temporarily from our course and head downstream towards Lawrence. Obliging, we sailed under the Hunts Falls Bridge only to find the river banks grew more and more inviting.

Sea gulls perched on rocks in the falls and we saw our first long legged crane tempting us to go even further.

That afternoon, Arthur Rowse, a national columnist from Washington, accompanied us as we made our way up the river again in back of the Lowell factories and on to the Tyngsboro Bridge.

As we passed in back of the Lowell factories and Northern Canal area, he urged us to motor in for a closer look at the trash littered banks. Again, we obliged, although from a distance we could see only rats feeding on waste, old tires, cans, bottles, other rubbish and dead wood scarring the banks. As we got closer, however, we found the banks consisted of a fine sand. Removing some of the rubbish dumped there, we found even more sand.

"How nice this would be if the city only spent a little money to clean up this rubbish," Arthur said.

Equally potentially beautiful banks lay hidden beneath junk automobiles, refrigerators, cans, bottles and other areas used to dump rubbish along the banks of the river. When we removed the rubbish, the banks appeared much the same as Thoreau saw them in 1839: "The course of the Merrimack can be traced from the nearest mountain by its yellow sandbanks."

According to the FWPCA there are 173 miles of such beautiful bank footage available along the Merrimack and Nashua Rivers, most of which we found that except for dumping refuse, man rarely explores or makes use of. Ironically, the most pleasant banks we found where along sections in which we traveled for hours without seeing a home, factory or life other than sea gulls sitting on rocks in the middle of the river, an occasional fish jumping on the surface of the water or squirrel playing on the banks.

How easy it would be to turn these banks into beautiful beaches, picnic areas, boat landings, or choice river bank house lots. My traveling companion, Richard P. Taffe Jr. and I kept telling each other we envisioned an area as a boat landing or as a picnic area—after the bottles, cans and other debris were removed. Other spots at which the river had deposited large amounts of sand (up to 10 and 12 feet deep) along the banks, we envisioned as pleasant beaches.

On a stretch well over a mile long between Merrimack and Manchester, N.H. and abounding with shady pine and willow trees set in white sand, we pictured turning into both a picnic area and bathing beach. All one had to do, Dick observed, was put in picnic

tables, the river had provided the white beach-like sand along the banks and nature the trees.

But, the pollution infested waters of the river, beautiful by nature, but scarred with man's filth, attract few people to its unmolested banks.

More than 10 million people live within an easy day's ride of the Merrimack, and an additional 6.5 million are expected to reside in the area by the year 2000.

The potential recreational value of the river is further realized by the fact that 41 per cent of the population prefer water-based recreational, activities and they spend a minimum of $8.00 a day for food, lodging, transportation and miscellaneous items while doing so.

We found that few of the 10 million-plus population living within a day's drive of the Merrimack were spending their recreational time and money on the river. Instead, repelled by the polluted water, we found that people who live within walking distance of the Merrimack spend their vacation time fighting traffic to get to beaches on the North Shore, Cape Cod or to lakes in New Hampshire and Maine.

While we saw two or three groups of youngsters swimming in the Concord, we did not see a single person swimming in the Merrimack (one Tyngsboro family, however, said they swim in the river, and although we did not see any doing so, people along the river above the dam in Manchester also say they swim in the river).

Instead, we saw a "bathing prohibited" sign posted on the back of the old Lowell Bath House on Pawtucket Boulevard.

We passed only a few people boating or fishing in the Merrimack. On the Sunday we plied the river from Lowell to the Tyngsboro Bridge, we passed perhaps a dozen boats. We did not see any other boating until three days later when we got above the dam in Manchester at which point nearly every riverbank home had a boat docked in the water.

As noted in a previous article, we saw only six groups of fishermen (three of which were fishing over sewage outfalls) during our six days on the Merrimack. Yet, the FWPCA reports that "the main stem of the Merrimack River could support an additional 290,000 man-days of fishing per year." Furthermore, statistics reveal that fishermen in the United States spend $10.00 per fishing trip, and that their numbers will triple between 1960 and 2000.

The failure of people to make use of the bathing, picnicking, boating and fishing potential of the Merrimack is due solely to its pollution infested waters. Pollution prohibits bathing. Fishermen do not like to fish the water and most refuse to eat their catches because of the raw sewage it feeds on.

We found that people who live on the river banks dislike boating in the polluted water and since they won't go swimming, refuse to go water skiing on the river.

Thus, as a 1966 FWPCA report states, although "water-oriented activities have been increasing rapidly on a national scale, especially near centers of population . . . a similar increase has not been possible in the Merrimack River basin because of its pollution condition."

The result is an estimated loss of more than $21 annually in potential recreational revenues on the river.

Pollution also deflates land values on the banks of the river. In 1966, the FWPCA estimated that if the river were cleaned up, the total increase in the value of land on the banks of the Merrimack and Nashua rivers would increase $91,400,000. It further estimated that developments constructed on the land would equal the increased land value, making the total increase value $182,800,000. This value was then pro-rated over a 20 year period so that each year would have a value of $9,100,000.

Some large land speculators, hoping to gain large profits if pollution in the river is abated, have already started buying large amounts of land along the banks of the river in New Hampshire. Local officials in New Hampshire, for example, reported that a large realtor, who also holds a position with the New Hampshire state government recently purchased large areas of land along the banks of the Merrimack between Nashua and Manchester, N.H.

A Billerica realtor also recognized the potential value of land along the Merrimack. He told us of his plans to build a 288-unit apartment building on a 30-acre site on the Pawtucket Boulevard side of the river in Lowell.

Asked why he decided to invest so substantially on the river, he felt the river would enhance the value of his apartments. Our site, he said, gives a "good unobstructed view of the river."

Asked if the pollution in the river would jeopardize his investment, he said his apartments would be far enough from the river so they would not receive any odors caused by the pollution. Moreover, he has faith and "feels there will be action taken to clean up the river."

Until that time comes, however, property values along the banks will remain low and cities and towns will continue to lose millions in tax revenues yearly. In 1966, the FWPCA, considering only property tax and using a basic tax rate of $30 per $1,000 per year or three per cent, estimated the loss of tax revenues on river bank property at $5,500,000.

The estimate, however, is obviously a minimum, considering that some tax rates are $100 per $1,000 and higher. (Lowell's tax rate is $132 per $1,000.)

The pollution infested water of the river accounts for other monetary losses to the people of the cities and towns along the river. Lowell and Lawrence, the two communities using the river as a public water supply, for example, could realize an estimated $8,300 yearly savings in chemicals used to treat their drinking water if the pollution count of the river were not so high.

Industries using the river's waters in their manufacturing processes also have to treat the water before using it. A paper company on the Nashua River spends more money on treating the water before it enters their plant than it does to treat the water when it comes out the other end as waste. If the river were not polluted, this and other companies could save the money expended to clean the river's water before they use it and spend their savings on facilities to clean the polluted water they pour back into the river.

Industries along the river would realize other advantages if the pollution in the river were abated. A clean river, offering bathing, boating and fishing opportunities, would make it easier for industries to attract employees to the area. People attracted to the area to take advantage of the recreational opportunities would also patronize local businesses.

In its present condition, however, the river offers industries only a convenient disposal for their wastes and, for some, a source of power.

Moreover, because of its pollution, the commercial value of the river's estuary is all but ruined. The FWPCA and Commonwealth of Massachusetts estimated in 1965 that approximately $300,000 worth of clams could be harvested annually in the river and that the total value could well exceed $500,000 and might approach $1,000,000 annually.

But, because of pollution, the shellfish beds in the estuary of the river were closed to harvest in 1926 and shellfish can be taken in only specified small sections. Thus, the commercial value of the soft shell clam harvest in 1964 was only $14,000.

The cost of cleaning up the river basin federal officials estimate to be about $250 million. (A pollution abatement plan advocated by Dr. Bela Fabuss, director of the Environmental Pollution Division of the research department at Lowell Tech, and described by him in the final article of this series, would cost the cities and towns along the river basin considerably less.)

The cost of the city of Lowell for one pollution control program carries a $15.3 million price tag. A waste treatment plant presently being constructed in Merrimack, N.H., one of the smaller towns on the river, will cost approximately $5 million.

Although the costs to the cities and towns for sewage treatment facilities are staggering, they could be offset by the income from the recreation, increased land values, property taxes, savings on costs of chemicals now needed to treat the river water for drinking purposes and other savings to industries located along the river.

Moreover, with a substantial pollution abatement program, the river would pose as less a hazard to public health than it does now.

Presently, the river between the Pawtucket Falls dam and the Tyngsboro Bridge, the stretch along which the intake for the Lowell water supply is located, has been given a Class B designation.

This does not mean, however, that the water in the river at that point meets its Class B designation. It means merely that the state desires that stretch to reach Class B quality and that polluters are forbidden to pour wastes in the river which would cause the water to fall below the desired quality standard.

Since designating that stretch as Class B, however, the state has set a "deadline" by which polluters in the area must meet the designated water quality standards. But, it has not yet initiated enforcement action against polluters violating those standards.

As a consequence, the actual quality of water in the river, according to 1967 figures, between the Pawtucket Falls and the Tyngsboro Bridge, corresponds to water meeting only Class D and E standards.

A Class D designated river is defined as suitable only for transportation of sewage and industrial wastes without nuisance, and for power, navigation and certain industrial uses.

Class E River is defined as totally "unsatisfactory."

A Class B designation would make the water acceptable for public water supply with filtration and disinfection—its actual Class D or E quality does not.

Although Lowell and Lawrence are the only communities presently using the river as a public water supply, the FWPCA estimates that "as populations rapidly increase in many of the cities and towns along the Merrimack River, additional municipalities may need to use ths convenient source of water supply."

In addition to being used as a public water supply, the river's water is used untreated by farmers to irrigate their crops.

As we plied the river between the state line and Manchester, we saw several irrigation pumps farmers had set up along the banks of the river.

Although the water in the river at these points has been designated as either Class B or C, the actual quality of the water again corresponds to Class D and E water.

The FWPCA designates only Class C water as suitable for irrigation of crops not used for consumption without cooking. The crops being irrigated by some of the farmers we met along our route, however, included tomatoes and other vegetables consumed without cooking. Some of these farmers were selling their crops irrigated with Merrimack River water at roadside stands.

In 1966, the FWPCA purchased some of the

vegetables irrigated with Merrimack River water from farmers at the same roadside stands we visited. All were vegetables that ordinarily are eaten without cooking.

Laboratory tests revealed that a "significantly greater number of fecal coliforms were present on vegetables grown on those farms that used Merrimack River water for irrigation than on vegetables which were not."

During our trip we also purchased some vegetables irrigated with Merrimack River water from a farmer at a roadside stand, but after carrying them with us in our boats for two days, learned that they would no longer allow for a reliable analysis of fecal coliform count in a laboratory.

Public officials are well aware of the costs pollution imposes on the cities and towns bordering the river as well as the potential health hazard the pollution poses to their communities, yet they do little about it.

While on our trip, for example, we met with a Lowell city councilor who was alarmed over the amount of ammonia being taken in at the Lowell city water plant intake. Less than a week later, however, the Lowell city council refused to vote authorization for the city to borrow $5.3 million to proceed with plans to control pollution on its portion of the Merrimack.

Like Lowell, most of the large cities we visited on the Merrimack have plans to treat their sewage before spilling it into the river, but they are not willing to spend the money to implement them.

From talks with officials in these cities and towns, we learned of three reasons why these plans rarely get off the drawing boards. They are the constant concern of local officials over the plight of large industrial polluters in their communities, their tendency to blame the pollution of the river on cities further upstream and not themselves, and their reluctance to show the taxpayers the bill to construct the needed facilities—especially at election time.

In some of the large cities on the river, industries pour nearly as much solid wastes into the river as do the public sewer lines of the cities themselves.

If the communities allow these large industrial polluters to tie into public city sewers and treatment plans, it would, in some cases, increase by 100 per cent the cost of constructing and maintaining the treatment facilities.

Three large paper mills on the Nashua River in Fitchburg, for example, have more than twenty times the solid waste contained in the public sewage to treat.

The cities often cannot and should not pay to treat the wastes of such large industrial polluters.

Fearing that the industries may move from the cities if they are forced to treat the wastes independently, the cities and their large industral polluters, as the case in Fitchburg, often arrive at a compromise whereby the city and large industrial polluters share the costs of constructing and maintaining treatment facilities.

Where the industrial polluters are not exceptionally large, some cities have agreed to let them tie in with the public sewer system at no additional expense.

In other instances, we found cities often ignore the large industrial polluters, allowing them to dump freely into the river.

Finally, in Manchester, we found that the city allows one of its larger polluters to call the waste it dumps into the river city sewage.

In this way, any attempt by state or federal officials to control the sewage being poured into the river by this polluter must be taken up with the city of Manchester and not the firm which is actually doing the polluting.

From talking with the owners of the pollution plant, we learned that they had no intentions of ever treating their wastes—composed largely of blood and other animal wastes, which they said made the fish in the river grow to monstrous proportions. (They agreed, however, that they would not like to swim in it.)

Moreover, they told us that eventually large mid-west slaughter houses will force them out of business. Thus, the city finds itself in the ridiculous position of protecting a polluter which sees no future for his business in the area.

Merrimack, N.H. is caught in a totally different situation. It is presently constructing a treatment plant (the only city on the river presently doing so) to attract a large brewery which promises a bright future for the city. (Actually, the Anheuser Busch Brewery agreed to locate in the city only if the community constructed a waste treatment plant to handle the city's as well as its own wastes.)

A "What good is it going to do us if other communities on the river don't treat their wastes" attitude also slows the pollution abatement process.

Little improvement in the water in the river above the Pawtucket Falls, for example, would be realized if Lowell constructed a facility to treat its wastes. Most of the pollution in the river at that point is caused by cities and towns further up the river. Thus, people in Lowell asked us, why should their city expend large sums for treatment facilities if Nashua and Manchester don't do likewise.

In every city we visited, people asked essentially the same question, always blaming the pollution in their waters on the cities further up the river. State and federal officials, it seems, must move with equal vigor to make all communities do their share or none of the cities will act to treat their sewage until their neighbors upstream do the same.

It is for this reason that the commonwealth's case against the city of Amesbury, a small city near the mouth of the Merrimack, is so important. Earlier this year, the state moved against Amesbury for not meeting the water quality standards set for it.

The case against Amesbury is a test of the state's authority to enforce its water quality standards. Should the state fail, other larger cities than Amesbury, unimpressed with the state's enforcement authority may be encouraged to continue violating the water quality standards in their areas.

We learned, however, that large polluters—both public and private—fear public criticism and are more apt to become concerned when it is directed towards them, than they are when the states threaten action. Most of the large industrial polluters we spoke with on the Nashua River, for example, feared the public criticism Mrs. Hugh Stoddard and the Nashua River Clean-Up-Committee could level against them than the yet unproved enforcement powers of the states. No such citizens committee exists on the Merrimack, thus freeing polluters of the river of such criticism.

The final and perhaps most pathetic reason why cities are so slow in acting to treat their sewage is city officials often feel that their communities cannot afford to pay for the facilities needed to treat their sewage "at this time."

As noted, there are very expensive items, and elected officials, especially during an election campaign, are often reluctant to approve such huge expenditures.

This, it appears, was the motivating behavior of Lowell city councilors, who last week, in the middle of an election campaign, delayed voting to authorize funds for sewage treatment facilities in the cities.

[From the Lowell (Mass.) Sun, Sept. 10, 1969]

POLLUTION OF THE MERRIMACK RIVER

(Bela M. Fabuss, Lowell Technological Institute Research Foundation)

Water and air are man's most fundamental resources. Our water crisis it at the present time more serious than the average American realizes and we must make everyone understand that this problem must become a high-priority matter on our agenda of unfinished business.

To insist upon clean water is meaningless until we decide how much cleanliness we want and are willing to pay for. Cleaning up is a program that will cost billions of dollars over the next ten years and each of us will pay his share of the expense—in additional city, state or federal taxes, higher water prices and higher prices for the products of industry.

Let us look first at the cost question. A recent report of the Federal Water Pollution Control Administration estimated that in the years 1969 to 1973, almost $15 billion must be spent on water treatment facilities or about $3 billion annually, which is more than 0.35 per cent of the gross national product. What do these figures mean in practical terms? In the year of this study (1968), the entire industry of the United States (from automobiles to meat products and from furniture to cigarettes) spent about 23 billion dollars for new plants and equipment. Compared to this figure, the water treatment industry will spend more than 13 per cent for building new facilities. To put it even into simpler form, we will spend more on water treatment than we will spend on all washing machines, dryers, air conditioners, dehumidifiers, fans, and air heaters.

These numbers clearly show that water treatment is a most important problem. We must talk and think in terms of a large scale water treatment industry rather than about a small treatment plant to be built at the end of our sewer line. The water treatment and supply industry will shortly represent more than ten per cent of the U.S. industrial capacity and must be discussed in these terms.

PRINCIPLES OF TREATMENT

With the development of urban areas, it became necessary to provide drainage or sewer systems to carry the wastes away. Normally, the wastes were disposed of in the nearest watercourse. It soon became apparent that rivers and other water bodies could handle only a limited amount of waste without turning into open sewers. This led to the development of purification or treatment facilities in which chemists, biologists, and engineers have played an important role.

Natural water bodies can oxidize organic matter without the development of nuisance conditions, but the organic loading must be kept within limits of the oxygen resources in the water. This means that certain levels of dissolved oxygen must be maintained at all times, not only to provide oxygen for the removal of organic waste but also to preserve aquatic life. The removal of excess organic matter, that cannot be disposed of safely in the water, is performed in the wastewater treatment plant.

Figure 1 shows the operating scheme of a wastewater treatment plant.

This plant operates using the "activated sludge process." It was found that a light, flocky sludge full of living bacteria develops when air is blown into a sewage tank. In the presence of air, the bacteria consume most of the organic material in the sewage as food. When the mixing and bubbling of air is stopped, the contents of the tank separate into purified water and settled sludge. To carry out this operation in a continuous manner and for fast removal of the organics from the sewage, plenty of bacteria must be present. Therefore, a part of the settled sludge containing these bacteria is returned to the tank and mixed with the fresh sewage. The products of this process are purified water and sludge.

The figure shows the process carried out in a continuous manner. As currently practiced, the sewage entering from the interceptor sewer is screened and then passes into

a large settling tank. This is called primary treatment, which removes 25 to 40% of the organic matter and 40 to 70% of the suspended solids. At the same time, primary treatment removes 25 to 75% of the bacteria from the sewage. The water purified by primary treatment is usually not clean enough and must be further treated. The water flows into the aeration basins together with the activated return sludge. These aeration basins are normally 10 to 40 feet wide and 100 to 400 feet long. Air is introduced into these basins and the aeration period is usually 4 to 8 hours. From the aeration basins, the material passes into a second settling tank in which the sludge settles. Part of the sludge is returned to the aeration basins, the excess is returned to the aeration basins, the excess is disposed. This part of the process is called secondary treatment, and can remove 95% of the organic matter, suspended solids, and bacteria. The final product water is usually chlorinated and discharged into a river.

Primary treatment of all waste waters is a must and in most parts of the country, secondary treatment must be carried out to reduce waste loads. Even further treatment techniques, so-called tertiary treatment, must be applied in some critical locations.

THE MERRIMACK RIVER

A very important challenge in water pollution control is to define the real nature of pollution. Frequently, when an industrial plant asked a governing body to state the stream standards, the plant was told to define its own waste water and then the governing body would tell the plant whether its waste water was acceptable for discharge into the stream. The reasons for this game "if you don't tell me, I won't tell you" are that there are many unclear problems. For example, there is the question of the capacity of a stream to keep itself clean. The river can assimilate a limited amount of waste, but full use of this capacity would limit community and industry growth and prevent the improvement or further development of water recreation areas.

One of the best measures of river conditions is the dissolved oxygen content in the river. During the summer months, the river can dissolve about nine milligrams per liter oxygen. Five milligrams oxygen per liter are necessary for boating, fish habitat, and industrial water supply but are not enough for swimming or drinking. In the summers of 1964 and 1965, the dissolved oxygen was never over this value in the Merrimack on its entire length from New Hampshire to the ocean. The oxygen content was frequently less than two and even zero values were found on some occasions.

This all means that the Merrimack River is highly polluted and effective actions must be taken immediately.

CONCLUSIONS

Since we are considering the rapid development of one of the major industries in our country, we should apply all resources and know-how to reduce the cost and to increase the benefits.

Some 20 state, federal, and regional agencies are today dealing with water pollution and water resources, such as the Federal Water Pollution Control Administration, Army Corps of Engineers, Geological Survey, Federal Power Commission, Fish and Wildlife Service, and many others. They all have their tasks, viewpoints and plans. When will the Merrimack River be cleaned up?

Each city and town along the river is preparing its own plans for pollution abatement. A village of 500 people and a city of 100,000 are equally eligible for Federal and State funding. At the same time, the building cost is about $175 per capita in a community of 500 people and about $40 per capita in a city of 100,000 people. Which one to clean up first?

In the Rochester metropolitan area in New York State, there are 33 separate wastewater treatment plants serving 600,000 people. These plants are operated by villages, districts, and the city. The result is polluted waters, an impossible job for the regulatory agency, and a manpower nightmare in trying to operate and staff the facilities. The comprehensive plan just adopted calls for consolidation and coordination into three large facilities which can develop professional staffs and meet the objectives. Are we trying out the same round-about way?

When do we finally realize that carrying out such a tremendous task as cleaning up an entire river basin, which affects the lives and future of more than a million people in the Merrimack River area, calls for a modern systems approach utilizing all the techniques that have resulted in the high productivity, efficiency, and organization of our industrial complex.

FORMER SENATOR WAYNE MORSE STATES GUIDELINES FOR LATIN AMERICAN RELATIONS

Mr. CHURCH. Mr. President, my distinguished predecessor as chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations, former Senator Wayne Morse, has recently set forth some excellent guidelines for inter-American political and economic relations.

In an address to the Pacem in Terris Seminar conducted by the Center for the Study of Democratic Institutions in Mexico City on September 9, Senator Morse stressed the need for an end to U.S. political and economic interventionism in Latin America. He called for a renewal of our sometimes-forgotten commitment to self-determination and democracy. He said that our experience with the Alliance for Progress has proven that its objectives could be better accomplished if we terminated military aid and emphasized multilateral channels of assistance.

Senator Morse's statement is a major contribution to the search for new orientations to our hemisphere policy. I ask unanimous consent that the full text of his remarks be printed in the RECORD.

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

PERSPECTIVES ON LATIN AMERICAN-UNITED STATES RELATIONS

(By Hon. Wayne Morse)

Justice Douglas, Dr. Raul Prebisch, Fellow Delegates to the Conference: To our Mexican hosts, I wish to say that it is a great pleasure for me to return to Mexico once again. During the years, I have been coming here, I have traveled extensively throughout Mexico and developed a love in my heart for your country and the Mexican people. I feel a sympathetic understanding of your goals and your struggle to achieve them. When I was chairman of the Subcommittee on Latin American Affairs of the United States Senate, I was privileged to be one of the representatives of my government at the inauguration of President Adolfo Lopez Mateos and President Gustavo Diaz Ordaz. These two great Mexican presidents, along with their immediate predecessor, President Miguel Aleman, have done much through their statesmanship to remove barriers of misunderstanding between Mexico and the United States. They also have worked in close cooperation with other democratically-oriented presidents of other Latin American countries in helping forge international agreements within the Western Hemisphere which have strengthened the cause of political and economic freedom for the people of the hemisphere. Such agreements as the Act of Bogota, Punta del Este, Rio de Janeiro, Washington and their historic predecessors have contributed immeasurably to the development and strengthening of the Organization of the American States. It has become the hemisphere's best hope for resolving differences and misunderstandings between member nations through the application of fo unilateral intervention by a stronger national commitments inherent in its charter. Its charter needs additional amendments in promoting the substitution of the rule of law for unilateral intervention by a stronger nation against a weaker nation committed unjustifiably in the name of an alleged violation of national sovereignty. Peace-keeping procedures of the charter need to be strengthened and changed providing for action without delay by member states, in removing the slightest doubt as to the violation of the non-intervention commitment of any signatories whenever they resort individually to military action without authorization from the Organization of American States.

Unilateral military intervention by any nation anywhere in the world, be it the United States, Russia, China, Australia, El Salvador, Cuba or any other country, constitutes a retreat into the jungle of military might. It is the road leading to more and more war. It seems the hope for attaining permanent peace through the substitution of the peace-keeping procedures of the United Nations Charter, the Charter of the Organization of American States, the Geneva Accords and other international treaties containing peace-keeping commitments.

In recent times, the non-intervention doctrine of the Charter of the Organization of American States was violated by my country's involvement in the ill-fated Bay of Pigs military intervention against Cuba. It was violated when American Marines were sent into the Dominican Republic without first calling upon the Organization of American States to take jurisdiction over that crisis. Fortunately, when some of us in the Congress, who were opposed to our country's unilateral military intervention in the Dominican Republic, pressed our government to submit the controversy to the jurisdiction of the Organization of American States, it belatedly did so.

Although the cause of freedom had been damaged irreparably by the unilateral military intervention of the United States, the Organization of American States did move into the situation, helped ameliorate it, restored order, and, as a by-product, saved face for the United States. However, the scars of that wrongdoing will always deface U.S. history in the accounts of its relations with Latin America.

Likewise, the recent military intervention by El Salvador into Honduras, irrespective of alleged provocations, can't be reconciled with peace-keeping commitments. The alibi argument which has been used by my country and others for these precipitous military interventions is that they are justified in the name of national sovereignty. It is but a black cloak of fallacy which conceals the dagger of death and surrenders a nation to a policy of military aggression. The highest manifestation of respect and regard for a nation's rights of national sovereignty is to keep faith with its peace-keeping commitments and call upon all other nations jointly committed to join in their mutual obligation to enforce the peace.

Irrespective of whatever its needs for improvements and strengthening may be, the fact is that the OAS Charter stands out in the world as a model regional pact of a group of nations pledged to mutual assistance in solving hemispheric problems. It seeks not

only to maintain peace in the hemisphere, but through economic, educational and cultural aid programs such as the Alliance for Progress raise the standard of living of the underprivileged.

Internal security, economic stability and political freedom will always be threatened in any nation in which a substantial percentage of its people exist in poverty, disease, illiteracy, unemployment and hopelessness. The national boundaries of the countries of the Western Hemisphere must not serve as Berlin Walls shutting out mutual moral obligations to cooperate as a family of nations without the hemisphere. We have entered an era of civilization in which no longer can any action isolate itself from its moral obligations to join in multi-nation cooperation aimed at improving the welfare of underprivileged people. Its own national self-interest dictates such a humanitarian course of national policy.

There is much that my own government needs to do as a member of the family of nations in the Western Hemisphere to fulfill not only its moral obligations to the people of Latin America, but also to serve better the best interests of the people of the U.S.

Throughout the long and often tumultuous history of the relations of the United States with the American nations to the south, there has run one single, disastrous thread—"Uncle Sam as papa knows best."

From the Monroe Doctrine, to the Alliance for Progress, to the Rockefeller mission of last spring, the United States has exhibited in varying degrees a paternal attitude accompanied by remarkable insensitivity toward nations with cultural, religious, and political backgrounds far different from those of the United States.

Our paternal attitude probably is traceable to our size and power, though we are now finding there are limits to power!

Our insensitivity is, perhaps, understandable in the light of our puritan heritage. But it is inexcusable that this insensitivity still exists in a world linked together by modern systems of communication and transportation.

I view conferences such as this as opportunity for representatives of the states and people of Latin America to help the United States and its people to realize the limits to our power and to overcome some of our insensitive stereotypes about Latin America. Conferences such as this provide opportunity for you to help us understand some of the profound changes taking place in Latin America.

Symptomatic of American insensitivity, as well as of the profound changes taking place in Latin America are the Rockefeller debacle of last spring, and the developing Peruvian situation. These events are related in the sense that they are both symptoms of changes—and frustration as well, not only with the *status quo* in Latin America but also with the United States, which is pictured as the defender of the *status quo*.

Let us examine the profound change that is taking place in the *status quo* in Latin America.

The causes of this change are complex and—despite the voluminous literature on the subject—imperfectly understood. They are to be found in the impact of industrialization and technology, on the one hand, and of explosive population growth on the other.

The industrial revolution came late to Latin America. Although it is proceeding with what appears to many Latin Americans as agonizing slowness, its statistical pace has been a breathtaking 10 or 15 percent a year—or even more—in such countries as Brazil and Mexico. But a consequence of its late arrival is that it is accompanied by more advanced technology than would have been the case half a century earlier. This means, in turn, that it aggravates and accentuates both the economic and social strains in Latin America.

The industrial technology which Latin America is now importing was invented in the United States and Western Europe where capital is cheap relative to labor. It is, therefore, designed to save labor at the expense of greater investments in capital. It is a means, really, not of creating jobs, but of reducing jobs.

Now, the situation which prevails in Latin America is precisely the reverse. Labor is cheap relative to capital. Capital is scarce, and the foreign exchange with which to import machinery is even scarcer. On the other hand, labor is plentiful and becoming more so. There is an urgent need to create massive numbers of new jobs, the only alternative being mushrooming unemployment and underemployment.

This urgency arises from the population explosion, which is itself one of the results of technological progress—specifically, the development of insecticides and antibiotics. Death rates have dropped dramatically all over the hemisphere while birth rates have remained relatively constant everywhere except in Argentina and Uruguay.

This has brought about a disproportionate number of young people: approximately 50 percent of all Latin Americans are less than 20 years old. They are already entering the labor force in increasing numbers which will grow to a flood over the next decade.

Not only has the economic growth been unable to keep up with this flood, public services, particularly in education, have been literally swamped. Despite a dramatic expansion of public school facilities and of university enrollments in the last decade, there are today more schoolage Latin Americans not enrolled in school than there were in 1960.

The economic and social tensions resulting from this situation have been compounded by a variety of economic problems arising independently. These come from the fact that Latin America's exports—which are still mainly raw materials—have not kept pace with its needs to import and to service its rapidly growing foreign debt. A substantial proportion of the assistance extended to Latin America by the United States under the Alliance for Progress has been in the form of program loans and has been directed to bridging this gap between export earnings and import needs. This has, no doubt, been useful as a temporary palliative, but in the long run it is likely to prove to have been a disservice to Latin America.

In the first place, through providing a temporary palliative, it has made it easier to postpone facing the hard actions necessary to deal with them.

In the second place, as these program loan repayments begin to become due in the decade of the 1970's, they are going to pose an almost impossible burden on Latin America's balance of payments, so that the situation may well be worse than it was before.

It might also be noted in passing that these program loans have been an inevitable source of friction in the United States-Latin American relations. They have involved the United States in the most sensitive areas of Latin American sovereignty in such things as economic, fiscal and monetary policy.

It is not surprising that these things which I have been describing have brought about a process of profound change. We can see the social, economic and political results all about us.

It is much easier to describe these results than it is to understand them, or to predict where they might lead. This is particularly true of the political aspects of the change which is now taking place in Latin America.

The first of 12 stated goals of the Charter of Punta del Este is "to improve and strengthen democratic institutions through application of the principle of self-determination by the people."

It is passing strange that most measurements of the Alliance are in economic statistical terms—so many schools built, so many houses, so many hospitals, so many kilometers of road, etc. Yet, the first goal of the Alliance—the political goal—is ignored.

It is precisely toward this goal that the least progress has been made. It is with respect to the reasons for this that we have the least satisfactory explanations.

The typical model which North American political scientists have constructed of Latin America is of a pyramidal social structure with the triumvirate at the top—the Church, the landowners, and the Army. It is no longer news that the Church is changing—faster in some countries than in others, but inexorably moving to put more emphasis on its social responsibilities in line with the latest Papal encyclicals.

More recently, it has become apparent that the Army, too, is changing, at least in some countries. Nowhere is this more evident than in Peru. In the Land of the Incas, we now see—let us face it—an illegal military dictatorship which in economic and social terms is more radical, more reformist, than the moderate, freely-elected government which it overthrew a year ago.

We cannot yet clearly see where this new government is going. Under the temptations of power, it may degenerate into just another Latin American dictatorship. Or it may evolve along the model of a bloodless Mexican Revolution—which also expropriated with justification American oil companies and which later came to a highly satisfactory, mutual accommodation with the United States.

In any event, whether we are talking about Army officers, or parish priests, or restless youth, it is clear that Latin Americans in many areas, in general, want a different kind of social order and economic system than what they have. The great appeal of the Alliance for Progress lay in its promise to give them something different. Despite the Alliance's achievements in limited sectors, it has clearly failed to deliver on this basic promise.

So we come to the paradox of Latin America today: There is pervasive change, yet the change is occurring so slowly that there is also pervasive frustration.

As we saw in the debacle of the Rockefeller mission, this frustration in large part, is directed against the United States. We should not be surprised that this is so. The United States was the originator of the idea of the Alliance for Progress. Indeed, this idea germinated in the years 1958 to 1960 in what was then called the Subcommittee on American Republics Affairs of the United States Senate Foreign Relations Committee. I was chairman of that Subcommittee in those years, and one of our valued members was a Senator from Massachusetts named John F. Kennedy. I made the motion in the Committee and Senator Kennedy seconded it, which authorized contracts with universities, research institutes, and recognized authorities on U.S.-Latin American problems to conduct for the committee fact finding studies concluding with recommendations as to how best U.S. Latin American relations could be improved. It was the recommendations of those committee studies which President Kennedy subsequently used, for the most part, as the warp and woof of his Alliance for Progress Program.

It should be noted that the Alliance for Progress Program as designed by the Senate Subcommittee's recommendations and as enunciated by President Kennedy was basically an economic, educational, cultural, health assistance and technical assistance program. It encompassed helping finance various projects aimed at bringing direct benefits to the people in various communities who needed schools, health centers, irri-

gation facilities, market roads, housing, credit unions, cooperatives, farm machinery, seed, improved livestock and other projects of similar nature.

It was conceived as both a grant and a loan program with emphasis upon its loan aspects for all projects whose wealth producing features would make them self-liquidating. It definitely was not conceived as entailing any military aid features.

Its grants and loans to governments were to be related to those projects which would benefit the economic, cultural, health and technical assistance needs of the people of a given community to be served by the program.

The Alliance for Progress was a good idea. It still is. What went wrong?

Essentially what went wrong was that the United States recoiled from the implications of its policy.

The sensitivity with which the concept was jointly developed with Latin American nations was lost by the "papa knows best" attitude of too many of our policy practitioners and I might add, by our propensity to treat high policy positions as political plums.

While preaching social change, we have identified ourselves with the defenders of the *status quo* in too many countries of the hemisphere. It is quite true that at the same time, we have supported the forces of the democratic left—in Chile, Venezuela, and Colombia, among other places—but our actions elsewhere have drowned this out.

Above all, through program loans and through trying in one way or another to manipulate and control change in Latin America, the United States has acquired the image of the defender of the *status quo*. Nothing could—or ought to be—further from the truth.

So what do we do to get ourselves out of this mistaken course of action?

I suggest a number of things:

First—That both North Americans and Latin Americans take a new pledge to the doctrine of non-intervention, and this time, mean it. On both sides of the Rio Grande, we have given lip service to this doctrine for years. But what North Americans have meant is that, "It's all right if we can get away with intervening for something we consider good." And what Latin Americans have meant is that, "It's all right if you intervene on my side." I propose non-intervention, period—which means that Latin Americans will have to settle their internal political problems themselves.

Second—That the economic aid of the Alliance for Progress be increasingly channeled through the Inter-American Development Bank and the International Bank for Reconstruction and Development; that the United States Agency for International Development get out of the business of program loans; and that the Alliance for Progress concentrate on specific wealth producing projects in Latin America designed to produce more wealth for the benefit of the mass of the Latin American people rather than to provide temporarily more imports with resulting high profits for U.S. exporters.

Third—That the United States take other measures to reduce the degree of its involvement in the internal domestic affairs of Latin American countries. It means an end to the military assistance program, military training, and military sales.

As an aside, let me emphasize that I believe the providing of military assistance in terms of guns, tanks, planes, ships, and training is one of the most egregious types of interference that one country can visit upon another. What a country spends on its military forces, whom it seeks to defend itself from, and the means it devises for defense, are questions each nation must answer for itself. Nations accepting gifts of military assistance are asking for outside intervention in a most vital and sensitive area close to their own sovereignty.

Let me be clear. Within reasonable limits, I do not oppose nations having military establishments. But I do object to nations maintaining such establishments supplied *gratis* by some other nation. I do not see how any self-respecting nation can let foreigners dictate military requirements. If there is one part of a nation's budget that should be kept under domestic control, it is that part which is devoted to its defense forces.

Whatever assistance comes to Latin America from the United States should not be military, but rather economic in nature and, as I have indicated, preferably through multilateral institutions. If a recipient nation devotes an uneconomic portion of its national income to military expenditures, then that nation is a poor investment for funds devoted to development. Whether that be true in a specific situation is for the judgment of those providing funds for economic development—multilateral institutions, preferably.

Fourth—A fourth step for the United States would be to take whatever measures are appropriate to disabuse Latin Americans of the notion that we are trying to guide—or worse, inhibit—their development. It means neither encouraging nor discouraging private investment. It is for the Latin American governments and their business interests to determine their own investment policies and inducements for foreign capital investments.

Fifth—That the United States give further open-minded consideration to the problem of stabilization of commodity prices and to the problem of preferential treatment of Latin America's manufactured and semi-manufactured exports.

It is in this area that the U.S. government, the U.S. consumers and the U.S. importing business interests should be more understanding and cooperative in our trade relations with Latin America. Nevertheless, if we continue as purchasers of Latin American goods, in many instances, as a matter of policy to squeeze the exporter to accept prices close to or below the cost of production line, we will not serve our nation's long-term best economic interests. Latin America must receive fair prices for her exports if the purchasing power of her people is to be raised.

There is a basis for the long standing complaint against the U.S. that we too often have imposed a trade pattern in our dealings with Latin America of selling American goods at prices of high profits and then using our position of economic bargaining strength of offering to buy Latin American goods only at exploiting low prices.

It should be hoped that in the area of trade, the Organization of American States will pursue with diligence discussions and programs that will lead to a common market agreement to be participated in by most and, hopefully, all the nations of the Hemisphere including the United States.

I doubt very much that any of these things—or even all of them taken together—will lead Latin America into the promised land of the 21st Century. In this interdependent world of 1969, no nation is totally the master of its own destiny. The United States and Latin America could not totally disassociate themselves, even if they wanted to.

But I do not think the United States ought longer to be tarred with the sometimes unjust image of impeding change in Latin America.

I do think the Latin Americans ought to be clearly on notice that how they change is in a large measure a matter for them to determine.

At least for the next generation, Latin American politics are going to be turbulent. Latin America is more likely to come out of this turbulence with a set of viable democrat institutions if it is left alone to develop in its own way, than if outside forces seek to influence the course of its development.

Among the most volatile causes of misunderstandings between the United States and various Latin American governments from time to time involves the expropriation of U.S. property investments. How well I remember the storm of controversy that blew up in the United States following the expropriation of foreign-owned oil fields in Mexico including those of U.S. oil companies who owned the major holdings. The jingoistic cry that the American Flag should follow the American Dollar characterized many speeches in the Congress and across our land. Even some silly statements of intervention were made.

Gradually, reason came to prevail and our government settled down to diplomatic negotiations with the Mexican government over the only legal right in respect to which the foreign oil companies were entitled to be protected, namely, receiving a fair price for their properties. Mexico had the sovereign right to expropriate the oil properties. She offered what she considered was a fair financial adjustment and the Mexican Supreme Court on two occasions, decided that the offer of settlement was fair. Powerful oil lobby forces in the United States sought to keep the controversy alive but the Mexican government held firm to its position, as it had every right to do, and the payments were finally accepted.

Some years later, in 1949, I was sent to Mexico under White House instructions to survey the Mexico oil fields and oil facilities then under the management of Pemex, the Mexican government agency in charge of the government-operated oil industry. As I inspected the oil fields that had previously been operated by foreign oil companies, I came to wonder why the Mexican government had waited so long to expropriate them. In many an instance, the record of operation by foreign oil companies including those of the U.S. spelled exploitation. The extracting policy was too often one of moving into an extensive oil field area extracting the oil as rapidly as possible through unconscionable waste of natural gas and then moving on to another field.

One of the saddest aspects of the foreign oil companies' exploitations of the oil properties was their more shocking exploitations of the human resources of many of the oil field areas of Mexico. Their labor policies bore no relation to fair wage standards. They took unconscionable advantage of a surplus labor market with the low economic standards of living that go along with it. In oil field area after area, I found they built no schools, provided no decent housing, ignored sanitation and health needs of the people, failed to make available even the minimum public facilities essential to decent community living. They did leave behind an abundance of ill will toward the United States on the part of the Mexican people of whom they had taken advantage.

One of the instructions of my assignment was to evaluate a request of the Mexican government for a substantial loan from the U.S. government to be used by Pemex in developing its oil production facilities. My report recommended a line of credit loan to President Aleman's Administration to be used to help finance the needs of Mexican oil development. Although my report was favorably received at the White House, it was opposed by the oil lobby and by the State Department. The matter was resolved by the U.S. government making a loan of a similar amount to Mexico to defray the cost of other needs, thus in theory at least, freeing Mexican government funds for use in developing her oil facilities with her own financial resources. That was an interesting example of diplomatic legerdemain.

The pending expropriation controversy in Peru is but another example among others of the past in which a sovereign government

of Latin America has exercised its sovereign right to repossess its natural resources by expropriation or taking over control of properties held by foreign investors. Misunderstandings and ill will are bound to result from such incidents. They do not strengthen U.S.-Latin American relations. When diplomatic negotiations fail to produce an amicable settlement of the financial interests involved procedures should be available for reaching a money settlement of the property values that have been taken. Granted that any government has the sovereign right and power to expropriate; it also has the clear obligation to pay fair value for property seized.

Granted further that it has the sovereign right to hold foreign investors to the jurisdiction of its domestic courts along with its own citizens in the litigation of financial values, it might be wise for the Organization of American States to explore seeking agreements among its member States to submit such disputes to final and binding adjudication of tribunals appointed under the aegis of the O.A.S. Such a procedure commends itself to me as being preferable to such retaliatory measures as Hickenlooper amendments to Foreign Aid Bills.

One of the most delicate problems that plagues the nations of the Western Hemisphere is relations with Cuba. O.A.S. ostracism, economic boycotts, military containment have not cultivated any diplomatic soil in which seeds of foreign relations understanding can take root and grow. Only the government of Mexico within the O.A.S. has maintained diplomatic relations with Cuba. Interestingly enough, this conference was scheduled by its organizers to be held here in Mexico City so that a Cuban delegation could be invited to attend if it wished to do so.

My country maintains no direct diplomatic relations with Cuba but through an interesting hoary foreign policy fiction its interests are represented by Switzerland. We are grateful to Switzerland for the continuing debt we owe her. But does it make sense? We recognize some Communist governments and not others, thus showing that our opposition to their political ideology is not the controlling basis of our recognition policy. Is it but for ad hominem objections to their Heads of State that we refuse to maintain diplomatic relations with them?

Can iron curtains, bamboo curtains, yes, and sugar curtains of isolationism longer be justified diplomatically in a world plagued with such serious turmoil that most of mankind's survival cannot be guaranteed for a certainty, even in our time? As long as civilization lasts, and we trust it will be timeless, leaders of governments will come and go, governments themselves will evolve through many changes and through it all the masses of the people of an area called a country will continue to be the ultimate generating force of governments. Is it wise for us to continue to ignore the people of Cuba, China and other countries whose leaders we fear, or disapprove, or hope to dominate?

If we can sit with Cuba in the United Nations, maybe we should sit with her in the O.A.S. and with China in the United Nations. If Canada to the North of us can survive with an Ambassador in Havana maybe we should risk it if Cuba would agree to the reestablishment of diplomatic relations. At least she permits the return of our highjacked planes. It would seem that the time has come for the O.A.S. to give some thought to a reappraisal of its relations with Cuba.

In closing, I wish to say that I am convinced the people of the United States are anxious to improve their country's relations with Latin America. They are beginning to understand that there are limits to American power and influence. I wish I could be as generous in saying the same for our military and industrial complex leaders and some of our political leaders—but they are learning. Many of them seem to enjoy learning the hard way—the Rockefeller round trips and Petroleum case in Peru being recent examples—nevertheless, there is hope.

In the two Americas, from North to South, from East to West, we have the greatest collection of resources with manageable population and political problems that exist within comparable geographic boundaries anywhere in the world. With intelligence, understanding, compassion, and cooperation we have the opportunity to bring the greatest good to the greatest number of people in the shortest period of time.

This we must do.

THE PRESIDENT AND HIS CRITICS

Mr. FANNIN. Mr. President, Columnists Roscoe and Geoffrey Drummond have looked into the efforts of spokesmen for the Democratic National Committee to make the war in Vietnam a political affair.

They quote one as telling newsmen:

We will hold Nixon responsible if he turns South Vietnam over to the Communists.

Mr. President, it is clear that Democratic leaders apparently intend to have their political cake and eat it, too, regardless of principle, decency, or the lives of American soldiers and South Vietnamese civilians.

Mr. President, it is beyond all bounds of decency and morality for one to call for immediate troop withdrawal from a war that President Nixon is in no way responsible for and then attempt to hold the President responsible for the results of the withdrawal.

The question occurs: Is political victory so dear that it must be won at the expense of our Nation and the lives of our Nation's young men?

I cannot believe that the national chairman's policy reflects the will of his party or that this questionable approach has the backing of responsible Democrats in Congress.

Mr. President, I ask unanimous consent that the column be printed in the RECORD, so that the Nation may judge this action for itself.

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

DYNAMITING THE PEACE

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—The leaders of the Democratic Party are playing with political dynamite in trying to force President Nixon to withdraw U.S. troops from Vietnam so rapidly as to throw away all prospect of negotiating a peace. They may be the ones who get blown out of the water. That's not important. What is more important is that the United States of America would be hurt— grievously hurt—by this shortsighted, reckless, perilous undermining of what the President is doing to end the war by seeking a fair peace.

No one is suggesting that those who want peace at any price, those who want to withdraw all American forces immediately, regardless of the consequences, should still their protests. All the President and others who are earnestly seeking disengagement *and* a decent peace are asking is that for a reasonable period congressional critics should stop telling Hanoi that it doesn't need to negotiate, that all it has to do is to wait and they—the congressional critics—will see that the U.S. government accepts a non-peace policy.

The Vietnamese war has never been a partisan issue, and attempting to bring it to an end with a fair peace is not a partisan issue. But leaders of the Democratic Party are now trying to make it so. Senator Fred R. Harris of Oklahoma, Chairman of the Democratic National Committee, disclosed this strategy in a candid remark to the press last week. "We will," he said, "hold Nixon responsible if he turns South Vietnam over to the Communists." But simultaneously Senator Harris and Democratic senators like Kennedy, McGovern, McCarthy, Fulbright are continuing to demand such a rapid pullout of U.S. troops that the end result would be to give the Communists control of South Vietnam. Thus, the national chairman of the Democratic Party is not only acting to make Vietnam a pay-dirt partisan issue but is also seeking to put President Nixon in such a box that no matter what he does he's bound to lose. What he's up to is now in the open. He wants to give the Democratic Party all the dividends he can by joining in the pressure on Mr. Nixon to get American troops out of Vietnam fast. But Harris doesn't intend that the Democratic Party should take any responsibility for an imprudent speed-up of withdrawal. He proposes that if a President gives in to the demand for imprudent speed-up he—not the advocates of speed-up—should be held to blame. In other words, Senator Harris' neat formula is to make Mr. Nixon punishable by the voters if he doesn't yield to pressures to get out quick and also if evil consequences come from yielding to such pressures.

Senators and Congressmen have special responsibility. They know that the President has the constitutional duty to conduct foreign policy and that negotiating peace is the most difficult and delicate act of foreign policy. Heckling and harassing the President is delaying the peace, not hastening it. Have the Democrats forgotten so soon that Richard Nixon is acting to end a war which he inherited from his Democratic predecessor and which they helped to authorize? Harris and those Democrats he is rallying to put the voice of his party behind the peace-at-any-price student-faculty protests October 15 are playing with fire. It wouldn't matter, if they weren't also undermining the chances of negotiating a just peace.

PROTOTYPES AND THE DEFENSE DOLLAR

Mr. HART. Mr. President, on September 9, I urged the Department of Defense to adopt "a-fly-it-before-you-buy-it" procurement policy.

In brief, such a policy would end the present practices of competing for large Pentagon contracts on the basis of brochures and reinstitute selection of contractors based on competition between prototypes.

Business Week magazine for September 20 contains a report on this proposal. I ask unanimous consent that articles entitled "Prototype Shopping Comes Off the Shelf" and "No Insurance in Changing the Method" be printed in the RECORD.

As the latter piece reports, under either procurement system, projects will still fail, "but with prototype, the odds for ultimate success are, in effect, doubled"

Those are useful odds in seeking to reduce Pentagon costs while not affecting the national security.

There being no objection, the articles

were ordered to be printed in the RECORD, as follows:

PROTOTYPE SHOPPING COMES OFF THE SHELF

POWERFUL VOICES FAVOR ABANDONING THE POLICY OF BUYING NEW WEAPONS ON BASIS OF CONTRACTORS' PAPER CLAIMS

The days of paper promises at the Pentagon may be ending.

After almost a decade of depending on the promises of contractors in its weapons development programs, the Defense Dept. may be on the verge of reverting to the "fly-it-before-you-buy-it" policy it followed in the early 1950s.

The heat is on in the Senate for such a move on the ground that "brochure competition" is largely responsible for the huge cost overruns that now afflict such programs as Lockheed Aircraft Corp.'s C–5A cargo jet. Boeing Co.'s Minuteman II missile, and North American Rockwell Corp.'s Mark II avionics system.

Senator Philip A. Hart (D-Mich.), chairman of the antitrust subcommittee is particularly keen to return to the days when contractors built prototypes and tested them before the Defense Dept. ordered weapons in quantity. He proposed that the Air Force's fighter plane (the F–15) be bought on this basis. And he is backed up by a report, recently completed by the General Accounting Office (GAO), that suggests that the old system should be used with the new AX close-support aircraft, and the SCAD (for subsonic cruise armed decoy) missile as well.

Big investment. The F–15 (which will replace the aging F–4) will cost $1-billion in R&D and another $4-billion for the first 500 planes. That, says Hart, is a big enough investment to demand that the plane work as expected. McDonnell Douglas Corp., Fairchild Hiller Corp., and North American Rockwell are all in contention as the plane's prime contractor.

The Defense Dept. has not formally replied to either the GAO or Senator Hart, who made his pitch for prototype competition in the Senate last week. More study is needed, says the new Republican team at the Pentagon, before it can decide whether to return to the old method so far as weapons systems are concerned.

Aerospace companies, however, generally would applaud a quick return to "fly-before-buy" procurement. They have lived with both methods, but in recent years have suffered big reversals on brochures because paper studies are extremely costly and often prove wrong. "We may not make as much money with prototypes," says a spokesman for one of the industry's top companies, "but we won't lose as much either."

This sentiment is being relayed to President Nixon. And combined with the other advantages of prototype procurement, it could swing the balance.

The big switch. When Defense Secretary Robert S. McNamara ordered the shift away from competitive prototypes in the early 1960s, the case for his decision looked strong. Before making any commitment to buy a new weapons system, the Pentagon was paying two or more contractors to develop competing prototypes. Then it was testing—exhaustively—both versions before deciding which to order in quantity.

But McNamara concluded that this system was too wasteful—both in money and in lost time. He cited the case of the Atlas and Titan ICBMs, which cost $2-billion each to develop. Because both had proceeded to an advanced stage of development, the Pentagon decided to order them into production.

Other rivalries in parallel development in the 1950s became so enmeshed in service politics that they shook the Pentagon—Thor vs. Jupiter, Nike-Hercules vs. Bomarc, etc.

McNamara ordered a switch to competition, based on speculative engineering data. Through a highly documented systems-analysis approach, companies were forced to compete on the basis of promises of performance, price, and schedule. And McNamara tried to enforce those promises, with tougher contracts.

For a while, the plan seemed to work. Budgets for the development of new weapons systems were cut; the time between development and actual production was clipped. There was no longer the problem of choosing between prototypes that differed very little in performance and cost. And the Pentagon had avoided the sticky task of ditching a contractor with a big investment in a new weapon and political pressure to back him up.

But then other problems set in. Weapons system after weapons system started running into technical trouble, and the cost of new weapons still was exceeding original estimates.

What Hart and the GAO now are suggesting is to backtrack to prototypes—with a few new wrinkles.

Procedure. Under their plan, two or more contractors would be commissioned to build prototypes of a weapons system as in the old days. But they would be allowed to cut the amount of documentation dealing with such problems as maintenance, quality control, support, training and reprocurement.

The proponents contend this type of paperwork can safely be put off until development is finished, particularly since such efforts by the loser are wasted. They estimate the savings on paperwork would reduce development costs by 20%.

They also advocate sharply cutting government staffs in contractors' plants, and letting the builder proceed with minimum guidance. And they would not burden the contractor with detailed design specifications. GAO figures that this would reduce cost overruns because contractors would not have to figure their final manufacturing costs until they had solved most of their technological problems.

NO INSURANCE IN CHANGING THE METHOD

In purely gambling terms, there is no choice between competitive prototypes and paper studies. Planes still crash and missiles fail—regardless of which system is used. But with prototypes, the odds for ultimate success are, in effect, doubled.

Examples are not hard to find. The now-defunct Navy version of General Dynamics Corp's F–111 was the result of paper competition. When it was clear that the F–111B could not meet Navy specifications, there was no alternative to fall back on. The Navy had to crank up Grumman Corp's F–14 in a hurry, losing at least a year in getting a needed plane to the fleet.

Development of the F–4, a Mach 2 McDonnell Douglas fighter, was a different story. The Navy hedged its bets by having Chance Vought (now part of Ling-Temco-Vought, Inc.) build an improved version of its successful F–8U. Both planes turned out well, and when the Navy chose the F–4 it cost the Pentagon $136-million to buy off the Chance Vought contract. But the fleet got its fighter on time.

Republic Aircrafts F–105 Thunderchief fighter also came out of prototype competition. That time it cost the Air Force $85-million to dump its competition—North American's F–107.

Errors, still. But although the prototype system doubles the odds of success, it does not protect the military from errors of judgment. In 1953, the Air Force was way off base in the case of McDonnell's experimental XF–88 fighter and its rival, Lockheed's XF–90. Air Force officers were convinced the XF–90 was way out in front and plunged in and gave Lockheed a pre-production contract.

Then came the day of reckoning. At the flyoff, the McDonnell plane excelled in eight of 10 test categories. The Lockheed contract had to be canceled, and McDonnell got the go-ahead for what became the F–101.

In terms of preventing crashes, the prototype method is no insurance policy, either. In the first 5,000 hours of flight, there were 11 crashes of the F–101, eight of the F–105, and six of the F–4, although all planes eventually turned out well. By comparison, the F–111 had serious technical bugs. But in its first 5,000 hours, it crashed only three times.

TAX-EXEMPT STATUS OF STATE AND LOCAL BONDS

Mr. HRUSKA. Mr. President, any change in the exempt status of the interest on State and local bonds would be a great hardship on the people of this country. I was unable to be present on Friday when my distinguished and illustrious colleague from Nebraska (Mr. CURTIS) spoke on this and other matters. I wish to join him and other Senators, however, in urging that the Senate not take any action that would change the present Federal tax treatment of State and local bonds.

Senator CURTIS' judgment in these matters is buttressed by many years of distinguished service here in Congress, both as a member of the House Ways and Means Committee and as a member of the Senate Committee on Finance. He is an authority on taxes and financial matters. His judgment and the judgment and facts presented by the State and local officials must be given sound credence and should be followed.

Mr. President, our States and cities are in critical need of additional revenues to provide the services which our citizens require if they are to enjoy a safe, healthy, and decent way of life. Our cities are already in short supply of educational and health facilities, police protection, water sewers and disposal plants, and a host of other essentials.

We have been considering a variety of proposals here in Congress that would assist the State and local governments. In our tax reform efforts, however, we have dealt the States and municipalities a serious financial blow. The mere passage by the House of the proposals dealing with State and local bonds has had a serious effect on local governments and their citizens. Ultimate passage would be disastrous.

Because of the tax-exempt status of the interest which they pay on their bonds, State and local governments traditionally have been able to borrow needed funds at rates approximately 30 to 35 percent less than private industry and the Federal Government. In recent years this has resulted in savings of $2 billion a year to States and their political subdivisions. This saving has been passed on to the taxpayer in the form of lower taxes. If you change that status and the cost of local borrowing goes up, which it surely would, State and local taxpayers, already overburdened by their tax load, must be ready to bear the additional cost.

Early this year, Congress embarked on what is probably the most comprehensive revision of our tax laws in the Na-

tion's history. It is right that we did. Reform is long overdue. Equity must be restored to the system; Federal taxes on the middle income and poor should be reduced. Measures must be enacted to insure that each person of substantial means pays his fair share of taxes.

However, in a misguided moment, the House proposed altering the exempt status of interest on State and local bonds. As many experts warned, the mere consideration of these proposals has already increased the cost of State and local borrowing. Since the first of this year, when Congress embarked on its tax reform efforts, the traditional cost gap between exempt and taxable bonds has closed to where State and local governments now are generally able to borrow at less than a 20 percent saving over corporate and Federal obligations. When the National Association of Counties testified before the Senate Finance Committee, it estimated that the mere consideration by Congress of proposals to change the exempt status of local bonds has already accounted for more than $300 million in additional costs that State and local units and their taxpayers will pay on the bonds issued in the past 4 to 5 months.

In addition, Mr. President, the House proposals concerning State and local bonds are a serious threat to the sovereignty and independence of the States and their political subdivisions. There is grave doubt whether the provisions would be constitutional, and I personally believe they are unconstitutional.

But even more important than the threat that these proposals pose to our federal system of government, is the adverse financial effect that the House proposals would have on local governments and their citizens.

The Treasury Department has estimated that the reform proposals, when fully effective after several years, would increase Federal revenues by $80 million annually. Consideration of the proposals has already increased the cost to State and local taxpayers by more than $300 million. If the proposals are passed, they will increase State and local taxes nationwide by more than $150 million in 1970, and more than $1 billion annually by 1980.

The States are faced with an assault on their sovereignty and their financial capacity.

If the House proposals should be passed and subsequently held to be unconstitutional, the State and local governments would be out the additional interest paid on the bonds issued during the period of litigation, and the Federal Government would not receive any revenue from the proposals. In other words, both the State and Federal Governments would lose.

In my own State of Nebraska, the effect of the House proposals would be disastrous.

On projected 1970 bond issues alone, it has been estimated that the proposals would increase Nebraska local taxes between $4.5 and $6.2 million annually and between a total of $58.5 and $124 million over the life of the bonds.

When the cumulative effect of the additional cost of the bonds issued each year in Nebraska is considered, by 1980 the House proposals could easily increase Nebraska taxes by more than $45 to $62 million a year.

These estimates, of course, assume that State and local units would be able to continue issuing the bonds they need. But, equally serious is the fact that the higher interest rates resulting from the House proposals would prevent some bonds from being issued for vitally needed services.

Mr. President, the increased cost of State and local borrowing would be passed to the local citizens primarily through increased property and sales taxes. These are the most regressive type of taxes hitting the middle and low income wage earner substantially harder than those with more substantial means.

It is clear that the increased cost to be paid by local taxpayers under these proposals would greatly exceed the additional revenue to be collected by the Federal Government. At a time when State and local taxpayers are already overburdened by their present tax load and the States are in critical need of additional funds, it would be a serious mistake for Congress to, in any way, tamper with the exempt status of State and local bonds.

In my judgment, the House proposals on State and local bonds would be a step backward, rather than a step forward.

THE HAIG

Mr. GRIFFIN. Mr. President, the golfing world has lost one of its greatest champions when death claimed the life of Walter Hagen early today.

He had become a legend in his own time for he had done more for golf than any person in the history of the game.

Five times he won the American PGA championship, twice the U.S. Open, and four times the British Open. He was a world champion in the truest sense of the word.

Greatness in golfing attainments will always be measured by the records set by "The Haig" as he was known to his millions of fans and admirers.

It was back in 1914 that a kid golfer named Walter Hagen set out from Rochester, N.Y., to take a crack at the U.S. Open. It was to be his first major victory.

When "The Haig" decided to put away his clubs, he retired to Traverse City, Mich. Two years ago, a testimonial dinner was held in his honor at the city's country club.

Letters of affection from friends around the world poured in for the occasion. These priceless gifts were put together in a bound volume and presented to Walter Hagen that night.

Although the praise came from persons in all walks of life, many came from stars in the golf world, such as Ben Hogan, who wrote:

Without you, golf would not be what it is today. I give you my deep thanks.

Gen. Dwight Eisenhower said:

Your achievements at home and in Great Britain have earned you both the PGA's Hall of Fame and an enduring place in the affections of all who esteem stout heart and great talent.

Edward, Duke of Windsor:

I recall the great kick we all used to get out of watching you play and win on the great championship courses.

Bob Hope:

Walter's the fellow who said, "After watching Bob's swing, you're not sure which rest room he uses."

Bobby Jones:

I always enjoyed the many rounds of golf we played together, even when you were giving me a good beating.

Gene Sarazen:

You always looked like a millionaire and have lived like one ever since.

Tommy Armour:

To me you epitomized dignity and sportsmanship on the golf course. Yes Walter, when you were created, they broke the mold.

Byron Nelson:

There is absolutely no way that we golf professionals can properly thank you for your great contribution to our profession.

Mr. President, all of us are a little richer for Walter Hagan having lived in our time.

As a great champion, he sets an outstanding example for the youth of our Nation. He was to golf what Ruth was to baseball—what Dempsey is to boxing.

His passing is viewed in the Nation's Capital—as it is throughout the world—with deep sorrow.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

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

THE JOHN F. KENNEDY CENTER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 11249) to amend the John F. Kennedy Center Act, to authorize additional funds for such Center.

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

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

The PRESIDING OFFICER. Who yields time on the pending amendment?

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Who yields time?

Mr. JORDAN of North Carolina. Mr. President, I yield myself such time to make my opening statement.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. JORDAN of North Carolina. Mr. President, the amendment to H.R. 11249, proposed by the senior Senator from Maine (Mrs. SMITH) would prevent the use of any funds authorized to be appropriated and any funds authorized to be borrowed from the Treasury for a period of 60 days.

We have been informed by both the Chairman of the Board of Trustees of the Kennedy Center and the General Services Administration that unless additional funds become available immediately to continue the construction of the Kennedy Center, it will be necessary by next week to start canceling a number of firm bid subcontracts, and that to do this would incur penalties for contract cancellation or delays, necessitate rebidding these contracts at a later date at a higher cost due to the present 1-percent per month escalation of construction costs, and would cost approximately $1 million per month for each month that the work is delayed.

Thus, this amendment, according to the Chairman of the Board of Trustees, would cost the Kennedy Center at least an additional $2 million.

The Committee on Public Works went into all of these matters very thoroughly when it considered H.R. 11249 and, while it was not happy with the fact that additional appropriated funds and borrowing authority are necessary, it felt that there was no alternative if the work was to continue uninterrupted and the center completed within the presently estimated cost of $66,400,000.

We are informed by the board of trustees that it has known for some time that it did not have sufficient funds to complete the Center but had hoped to be able to make up the difference from private contributions. However, after exerting every effort to obtain the contibutions, the Board came to the conclusion that the only way the Center could be completed was to request additional financial assistance from the Federal Government.

The committee, in reporting the bill, felt that this was the best solution that could be hoped for if the Center was not to remain a half-completed skeleton, which would, of course, jeopardize the vast amount of money which the Federal Government has already provided toward its completion. The committee has been assured by both the General Services Administration and the Chairman of the Board of Trustees that the present estimate of $66.4 million is a sound estimate for the completion of the building and that it can be completed within this amount if construction is not interrupted.

In order that there would be no misunderstanding about the committee's feelings on this matter, it stated in its report on page 6 under committee views the following:

The Committee wants it clearly understood that the Center must be completed within the proposed cost of $66,400,000 and if, by any chance, this figure has been underestimated any additional funds required must be raised by the Board of Trustees through private subscription.

Mr. President, for these reasons I recommend that the amendment be rejected.

Mr. PERCY. Mr. President, will the Senator from North Carolina yield me some time?

Mr. JORDAN of North Carolina. I am glad to yield to the Senator from Illinois. We are under limited time. How much time does the Senator wish?

Mr. PERCY. Ten minutes would be adequate.

Mr. JORDAN of North Carolina. Mr. President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. PERCY. Mr. President, I was appointed to serve as a representative of the Senate on the Board of the John F. Kennedy Center for the Performing Arts—upon the recommendation of my late colleague, Everett McKinley Dirksen—to succeed former Senator Leverett Saltonstall. I endorse the previous statement of the Senator from Arkansas. In view of the investment that has already been made, I do not feel we can abandon this cultural center. It represents too great a commitment by the Government, and by thousands of private donors to the arts, to the development of artistic talent in our Nation.

The Center represents a needed investment in the performing arts in this country. Let us not forget that this is a bipartisan enterprise, begun by President Eisenhower, developed under President Johnson, and hopefully to be completed during the administration of President Nixon.

President Nixon has, in fact, requested the $7.5 million in his fiscal 1970 budget recommendations to Congress. Mrs. Nixon serves with Mrs. Dwight Eisenhower, Mrs. Lyndon B. Johnson, and Mrs. Jacqueline Kennedy Onassis as the honorary chairmen of the Center. All three ladies support the legislation we are considering today.

The effort to secure these additional funds, then, is a truly bipartisan one. The benefit they will have will accrue to everyone, regardless of political views. The Center will serve as a showcase of the performing arts, a place where talent from every State can be presented, where we can demonstrate to citizens and visitors from abroad the finest in American art and culture.

For these reasons, I strongly support H.R. 11249 to provide the necessary $7.5 million, and commend the House in its passage and the Senate Committee on Public Works for unanimously approving this expenditure. For these reasons also, I oppose the pending amendment to this bill.

It has been made abundantly clear that a vote for this amendment with the delays it would entail is tantamount to a vote against the bill itself. If the amendment is adopted, a conference on the differing versions of H.R. 11249 will be necessary. Before any report of a conference committee could be acted upon by both Houses, the General Services Administration will have to suspend work on several vital construction contracts. Once work has been suspended, contracts will inevitably have to be terminated and renegotiated. Even within the sixty-day delay proposed under this amendment, we would see the termination of practically all contracts. This would necessitate new contracts, or renegotiation of suspended ones, and the costs of such new contracts could not be expected to be based on 1964 prices. Unfortunately, the unintentional but nevertheless very real effect of this proposed amendment would be to cause an additional cost overrun of sufficient magnitude to warrant yet another report from the GAO.

There is still another important question for the Senate to consider. That is, when the building is closed down and construction suspended, what is the effect upon public-spirited citizens who have contributed their money to the Center? And what is the effect on nations who have made gifts, some of them quite substantial ones, to the Center?

If the Senate says to them, the Center is not to be completed, will the Senate also offer to return their gifts, which now amount to nearly $21 million? I think we also have an obligation to the donors, who range from schoolchildren to foreign powers, to see that the Center is completed. This is why I sincerely hope that the Senate will reject the pending amendment and approve H.R. 11249 without change.

I support as quite reasonable the requests for the GAO, or the Senate Committee on Public Works, or any other appropriate body, to study this project and to report back to the Senate on its efficiency of administration and on any past action taken by the administration of the Center by its trustees. But it is absolutely essential that the work in progress and all contracts now contemplated be allowed to continue on schedule while the study is made.

Mr. President, a number of questions were raised in debate at the end of last week. With the help of members of the Center's administration and my fellow trustees, I should like now to present the most frequently asked questions with their answers.

I am asked how many Senators oppose the construction of the John F. Kennedy Center for the Performing Arts.

I certainly wish to clarify the record on that. To my knowledge, there is no U.S. Senator today who wishes to stop construction of the Center and see the building abandoned for some future time when it can be completed. No one wants the Center to fail, or have its costs escalate.

Those who are attacking the Center, however, by the effect of this amendment and its practical application, would be doing the very thing they themselves have assured the Senate and their fellow colleagues they do not want to do.

The second question is, "In view of the fact that this is the second time this has occurred, this is just another request

from the Senate for funds. to be followed by another request for construction funds."

After talking with the directors of the Center and after the subsequent talks that they have had with the contractors, architects, and GSA, I feel quite confident they will not come back to the Congress again. In fact, I would have nothing to do with any request madeof the Congress for additional construction funds.

It is to be understood that they were not able to fully estimate the costs of the Center on preliminary plans and the estimates were made on preliminary plans. But now we have final, detailed plans. We are able to make firm contracts. In fact, most of the contracts have been placed and are now being executed. We are able to estimate accurately the cost of the project, if it continues.

So this is the last request for construction funds that will be brought to Congress, from everything I am able to determine.

The third question is, "Why, with some $10 or $11 million in investment funds in the portfolio of the Center, does not the Center use those funds rather than resort to public funds in order to continue the construction?"

It is true that within a few days there will be something less than $11 million in securities. However, all of that money has been committed to pay for contracts authorized by General Services Administration, and therefore this money is not available to be used for the payment of bills now coming due. In fact, GSA is holding up a vital contract in the amount of $500,000 because we do not have funds to commit at this time.

The fourth question is, "Why the large variation in costs?" The estimate of costs given to the Public Works Committees of the Congress late in 1963 were based on preliminary drawings and specifications, completed in November of the same year, for a very complicated building. The cost estimates were provided by one of the Nation's greatest architects, Edward Durell Stone, and his associated engineers, Severud-Elstad-Krueger Associates, Syska & Hennessy, Inc., and Construction Survey Corp., some of whom had just completed work on Lincoln Center in New York.

The testimony before the Senate's Subcommittee on Public Buildings and Grounds of the Public Works Committee by General Services Administration representative Robert B. Foster, Deputy Commissioner, shows the dates of the development of drawings and specifications. When the bidding documents were distributed to the prospective bidders, the trustees had every reason to believe them accurate, particularly since they had been prepared by such experienced and reliable firms.

The estimated cost by the experts right after the passage of the Kennedy Center bill, was approximately $47 million, without furnishings and equipment, or any of the material needed for the interior of the building. These were estimated to cost some $5 million, and the Trustees felt they could raise those additional funds. As a matter of fact, they have raised them. But one simply cannot compare the amount of $47 million with the present $66 million, which includes everything required to finish the building.

As a fifth question we might well ask, Have the Trustees been negligent? Has there been malfeasance?

I have been on the Board for some 2½ years. Someone could well say, "Here, you have been in business. You have built factories"—which I have—"all over the world. Have you ever had this kind of difference in costs?"

I can truthfully say, "Yes." Every business, every unit of government, has experienced escalating costs.

The trustees were not in a position at any time to place a firm contract for the completion of the building. They could not place a firm contract for the steel, for the construction, for the electrical work, for all the gear needed for that work. They did not know where all those funds were coming from. According to the agreement with Congress, half of the funds were to be raised from the public sector, from private sources, So, as funds were within sight, the trustees could authorize contracts to be placed.

But anyone can simply look at the escalation of costs which has taken place since 1963. If we look at the last 12 months——

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

Mr. PERCY. I am happy to yield.

Mr. FULBRIGHT. I was going to say that during the last 12 months we have had a relatively——

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

Mr. FULBRIGHT. Mr. President, I ask to have 5 minutes.

Mr. JORDAN of North Carolina. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Just this last year costs have increased at an unprecedented level. Interest rates are higher now than they have been in our history, certainly since the Civil War.

The General Services Administration is the agency devoted exclusively to supervision of constructing Government buildings. It paid a tremendous fee—as I recall, $500,000—to supervise the letting of contracts. If there has been a serious mistake, that agency shares in it.

I do not think the trustees intended to let anyone presume they knew how much steel was going into a building of this kind. I certainly did not. There were some mistakes, but this building also has been changed, in view of the use of jet planes out of National Airport, which has caused a very serious noise problem which no one ever contemplated at the time the Center was authorized to be built. The noise of the old airplanes was relatively minor compared with the noise made by the present planes, as anyone who lives in this area or in Georgetown knows.

The soundproofing which was required to be put in the building, I am told, necessitated heavier steel. Nevertheless, I do not understand why there was such a big variation in the estimated cost of the steel and the actual cost.

All the other items fall into the category the Senator from Illinois mentioned. We had a nationwide carpenters' strike. We had a shipping strike. It cost a great deal of money in demurrage, or whatever else enters into the cost, as a result of the tie-up. Then, of course, there has been an escalation of the cost of wages. There has been a substantial increase in the cost of wages.

If the construction is delayed, all that we will be assuring—assuming that we finish the building—is a much greater cost. It looks like it will cost between $10 and $15 million to put it in "mothballs," wait 10 years, or whatever the time will be, and then start over again. Whenever that is done, there is a great loss. The General Services Administration estimates that it will cost $2 million to shut it down for 60 days. It seems to me that to shut it down for 60 days would be a most improvident thing to do.

I want to remind the Senate again that the $46 million is not what we have appropriated. After the bill is passed, we will have provided $23 million, plus a little over a $20 million loan to be paid out of the parking facilities. The balance comes from private sources. That is not any great contribution from the Federal Government, compared to the Lincoln Center or any other comparable facility.

I am reminded also that after World War II I think this Government gave $10 million to the Government of Austria to rebuild its opera house, which had been destroyed during the war. That was for a country of seven and a half or eight million people, which has a much more beautiful opera house than this country has, or that certainly Washington has. Certainly this is something which, in the field of fine arts or performing arts, the Federal Government should be willing to contribute to.

Mr. PERCY. I thank my colleague. I ask the Senator if he will confirm with me that the trustees of this Center have given unsparingly of their personal time. They have put considerable effort into it. Many of them have made very generous contributions to the Center. I ask anyone to put himself in the position of a trustee for a moment, one who has been asked by the President to serve, who has given of his time and energy. Now, if the amendment is approved, a special board meeting is called and we are notified that if we go ahead with the contracts, the trustees will be personally liable for the liabilities incurred. I ask anyone whether any trustee would wish to go ahead with the construction or would recommend a shutdown.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield for a question?

Mr. PERCY. I would be happy to yield, but my time has expired.

Mr. FULBRIGHT. Under whose time?

Mrs. SMITH of Maine. Mr. President, I yield the Senator from Delaware 5 minutes.

Mr. WILLIAMS of Delaware. I address this question to the Senator from Illinois. The amendment of the Senator from Maine merely proposes to hold this matter up for 60 days, so that we can get a report back from GAO. Certainly such

a report is in order, particularly when we are told there has been an underestimate, on steel alone, of $2.7 million. Somebody is responsible for that, and I think we should have the information.

What I cannot understand is why there is such an emergency that we must act today, and why this 60-day delay would be so disastrous, when I note that the bill was reported out of committee on July 22, 10 weeks ago, and it has since been lying on the Senate Calendar with no action.

If there was an emergency, why was it not brought up and acted on at that time, rather than waiting 10 weeks, and now saying it must be passed today?

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

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, I must take full responsibility for not taking up the bill earlier. I did not do so on the basis of circumstances I would not wish to divulge on the Senate floor. But it was my responsibility.

Mr. PERCY. Mr. President, if I may reply further to the question of the Senator from Delaware. As far as the trustees are concerned, we have been anxious to have the issue raised on the Senate floor. We have been fully understanding of the reasons that it has not been brought up until now, but we have also been fully aware that October 1 was our deadline. The House of Representatives was notified of this; and the Senate, through the Committee on Public Works, knew it.

It was a simple matter to figure out when we would run out of money. And as I have previously mentioned, we now have simply exhausted virtually all public funds; we are down to a few thousand dollars, and the only remaining funds are all pledged against contracts that have already been placed. So we have only one recourse. GSA has said they would have to shut us down.

Mr. WILLIAMS of Delaware. I am one Member of the Senate who knows of no reason for the delay. When the bill was reported last July I notified the leadership on our side that I wanted to be here to discuss this matter, to find out how much more need be raised; but I was ready to consider it at any time, and as far as I know, so were other Senators.

Mr. MANSFIELD. Mr. President, will the Senator yield there?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. What the Senator has said is absolutely true.

Mr. WILLIAMS of Delaware. But since it has been reported for one reason or another, it has remained on the calendar for 10 weeks, I do not think it is quite fair to put the Senate in a position of take it or leave it today, because I think we should have time to get a report from the Comptroller General particularly since we have been advised that at least a third, being asked for, is to cover up a mistake somebody made in underestimating the tonnage of steel required. That error I cannot understand.

I can understand that the degree of inflation may not have been taken into account, though some of it should have been estimated. But for the underestimation on the steel tonnage somebody should be accountable, and while I respect the organization which the Senator has named as having developed these plans, and I appreciate the remarks he has made about their responsibility, I am wondering just how responsible they really are if they can make that much of an error. I want to know who is responsible, and whether or not we can recover or hold someone responsible for making the error. As architects they are getting paid about 5 or 6 percent, or whatever the standard fee is. They will collect a sizable fee for making these estimates. I think the Comptroller General should fix the responsibility, if possible, and the matter should be turned over to the Department of Justice for collection.

Mr. PERCY. Mr. President, I could not agree more fully with the Senator from Delaware. The trustees are deeply concerned about the underestimate for steel. But I wish to assure the Senator from Delaware and the Senator from Maine that no time has been lost in making the investigation. In fact, as a result of the House hearing, it was understood with the minority leader of the House of Representatives that not only would the GAO undertake a study, but the matter would be referred to the Department of Justice with full concurrence and encouragement of the trustees to see if we have legal recourse against the contractors who underestimated. We probably have no legal recourse against a Government agency such as the GSA, but we certainly may have against private contractors; and if so, we intend to file suit for recovery.

Mr. WILLIAMS of Delaware. I am glad to hear that. If we have no recourse against the Government agency, we at least can replace the individuals who made such an error with competent personnel.

Mrs. SMITH of Maine. Mr. President, the point raised about new needs created by sounds and noise from jet aircraft only serves to point up and underscore the tragically poor planning on the Kennedy Center, and the dismal failure to look ahead. I do not think the American taxpayers should have to pay for such a mistake in planning on a project that was originally promised to be financed with private subscriptions, and without any money from the Government.

In the debate on Friday, Mr. President, the opposition to my amendment laid great emphasis on the cost of required sound insulation against the noise of jet planes, and stated that such additional requirements and costs could not have been anticipated.

Today, Mr. President, Mr. Walter C. Louchheim, a former member of the National Capital Planning Commission, as far back as 1962, informed me that the Planning Commission had raised questions about sound insulation from the noise from overflying planes, and had warned about such a problem, but that Mr. Stevens had dismissed such warnings and questions, and had assured the Planning Commission that there would be no such problem.

Mr. Louchheim informs me that such a warning was made even before the land site was acquired for the Center. Now it is contended that the problem of noise from planes flying overhead, and the resulting increase in costs for sound insulation, could not be anticipated and foreseen, when the fact is that Mr. Stevens was warned of this problem by the National Capital Planning Commission even before the site of the building was obtained, and reportedly Mr. Stevens dismissed this warning.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mrs. SMITH of Maine. I am glad to yield for a question, but not on my time.

Mr. PERCY. May I have 30 seconds?

Mr. JORDAN of North Carolina. I yield 30 seconds to the Senator from Illinois.

Mr. PERCY. Perhaps I misunderstood this distinguished Senator from Maine. Did not the Senator assure me that she had been notified that jet planes could not be used and would not be used at National Airport?

Mrs. SMITH of Maine. On my time, I think the Senator is referring to a hearing of the Appropriations Committee which I referred to in my conversation with him, in the middle 1950's, when it was said that National Airport was not suitable for jets. But that was before the jet age. Mr. Louchheim's warning was even before the site for the Center was finally selected.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Mr. President, reserving the remainder of my time, I yield the floor.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. How much time remains on both sides?

The PRESIDING OFFICER. Thirty-nine minutes to the Senator from North Carolina, and 45 minutes to the Senator from Maine.

Mr. MANSFIELD. Will the Senator from North Carolina yield me 4 minutes?

Mr. JORDAN of North Carolina. Mr. President, I yield 4 minutes to the majority leader.

Mr. MANSFIELD. Mr. President, I repeat that the sole responsibility for not bringing up the pending legislation before last week lies with the majority leader, the Senator from Montana. I had what I considered good and valid reasons for undertaking the procedure which I did.

It is true that the distinguished Senator from Delaware (Mr. WILLIAMS) did have a hold on this matter going back, I think, to the date that the bill was reported on the calendar. That, of course, was respected, and the Senator from Delaware (Mr. WILLIAMS) was notified when the bill was going to be brought up. He was the only one, at that time, whom I knew to have expressed a special interest in being notified.

When I attempted to bring the bill up about 2 weeks ago, I was informed by the distinguished senior Senator from Maine (Mrs. SMITH) that she had some ques-

tions. And because of that, there was a delay of a week or so in bringing up the bill.

I make these remarks just to keep the record straight.

On September 8, I received a letter from Mr. Roger L. Stevens, Chairman of the Board of Trustees, about the Center. I read just one paragraph:

> Unfortunately, we have been forced to use $5 million of our private funds in order that construction might proceed as fast as possible, and we will lose a very substantial amount of interest on these funds. In addition, we have been unable to let contracts, which, with today's escalating prices, may penalize us further. If the Bill is delayed much longer, we will be forced to stop construction, which would be disastrously expensive. It is necessary, in our capacity as Trustees, to hold our remaining funds as reserve in order to close out construction and pay all the bills.

Then, I note a very pertinent editorial published in the Sunday Star of yesterday which, with the permission of the Senators, I read in part:

> Not that the critics don't have a point. The building, originally estimated to cost $46.4 million, has progressed through a series of escalating estimates until the figure now stands at $66.2 million—an overrun of approximately 43 percent.

I interpolate here that is a very sizable overrun. I continue to read:

> There was, certainly, some sloppy figuring—and just possibly a bit of intentional underestimating to sugar-coat the first pill that Congress was asked to swallow.
>
> But the real joker in the deck was neither carelessness nor budgetary sleight of hand. It was the devastating inflationary spiral, aided and abetted by a prolonged strike. No one can properly be held accountable for failing to anticipate the zooming costs of building construction.
>
> The House, after bitter debate, voted to provide the $12.1 million the center needs to complete the work.
>
> Congress does not need a GAO survey to inform itself on how building costs can get out of hand. There is no need to look further than the Rayburn Building for such instruction.
>
> The Kennedy Center already represents a multi-million dollar investment in private donations and in gifts by foreign governments. It is an obligation to which Congress is already fully committed.

I would say that this particular Center, this National Cultural Center, started under President Eisenhower. It was intended to be an asset to the Nation's Capital. Certainly it should be funded unless Congress is prepared to add on an additional $10 million when and if ever the final construction gets underway.

Mr. GOLDWATER. Mr. President, will the Senator yield me 5 minutes?

Mrs. SMITH of Maine. Mr. President, I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, my support of the pending amendment does not indicate my opposition to the Center. However, I think the time has come, as was so well demonstrated during the consideration of the military procurement authorization bill, that we pay some attention to the moneys we appropriate for public buildings.

I think that the cost increases on the Rayburn Building were a national disgrace. And no effort was made by Congress to try to redeem itself or prepare itself and the Government for future building problems.

There is no question that inflation has hit us. And it has hit every building.

The biggest single factor involved in the cost of everything we buy in America—whether shoes, airplanes, boats, or anything else—has been inflation. Because of the 43-percent overrun, I would like to ask the chairman of the committee, or anyone else who feels he could answer the question, whether we have a hard estimate as to the final cost of the Center.

Mr. JORDAN of North Carolina. Mr. President, $66,200,000 is the proposed new cost.

Mr. GOLDWATER. Would that include the furnishings and everything needed in the final Center?

Mr. JORDAN of North Carolina. Mr. President, I refer that question to the Senator from Illinois (Mr. PERCY). He is a member of the Board of Trustees.

Mr. PERCY. Mr. President, it is my understanding that it does.

Mr. GOLDWATER. Mr. President, would the amount contained in the bill bring the total expenditure up to $66,200,000?

Mr. JORDAN of North Carolina. The appropriations, plus the borrowing power, would bring it up to that amount.

Mr. PERCY. There would also be the additional matching funds that must be privately raised.

This would be an undertaking that the Trustees have committed themselves to with respect to raising the amount. During the entire period when the project has been in jeopardy, the donations for expenses practically dried up. No one will contribute anything when they are wondering whether the building will be finished and whether the Government will come forward with its 50-percent share.

Mr. GOLDWATER. The Government has come forward with a lot more than originally contemplated. My concern is, What amount will be requested next year and the year after?

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

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. GOLDWATER. Mr. President, I yield to the Senator on his time.

Mr. FULBRIGHT. I thought the Senator asked a question.

Mr. GOLDWATER. I did. I do think that the matter of time is too critical. The Senator can go ahead and answer it.

Mr. FULBRIGHT. Mr. President, Mr. Stevens, and, I think, the trustees—Senator PERCY and I and others—have stated that this is the last amount that will be requested of the Government.

Actually, it will amount to $20,400,000 of borrowed funds and $23,000,000 of appropriated funds, as the total Government contribution, if the bill is passed. The remaining amount is to be raised and has already been raised from private contributions and foreign governments, plus whatever amounts the trustees can raise to supplement the amount with respect to furnishings.

I do not think it is quite correct to say that $66.2 million is the total cost, including furnishings and all other costs. The matter of whether the furnishings will be better or worse will depend upon how much money we can get. In other words, the amount of money we have will determine whether we buy carpet worth $10 a yard or a higher price. That is still discretionary with the trustees.

The $66,200,000 is the best estimate. And the GSA has concurred in the matter. They have urged that they be as precise as they can.

That assumes that the amount is made available and they can let the contract. If we are going to delay the matter for 60 days and they have to pay penalties for cancellations of existing contracts and also pay the increase for the new contracts, any such estimate is out of order.

The estimate is based upon the availability of what is contained in the bill now. And that is the estimate of the total that would be required from the Federal Government. The matter of whether or not additional money would be raised from private sources is up to the Trustees, as is the question of how the money will be raised.

The program for private matching funds was initiated before the Center was named the Kennedy Center. Back in 1959, several millions of dollars were pledged and raised.

I do not think there is any doubt that this will be the last amount that the Federal Government will be called upon to advance, assuming there is no cancellation or delay. If we delay the matter and the country does not want to abandon the project, I am quite sure that we will be called upon to furnish an additional $10 or $15 million.

The Senator from Illinois did not mean to commit himself to the statement that there would be no further requests. He meant that there would be no further requests if the money is supplied at this time, and if there is no delay and no cancellations. I am sure that the Senator from Illinois meant that to be true based upon the fact that there would be the immediate availability of funds under the pending bill.

Mr. GOLDWATER. Mr. President, I certainly put all the faith I can muster in the words of the Senator from Arkansas who has just spoken and also in the words of my friend, the Senator from Illinois.

I recall that in, I believe, 1964, Mr. Stevens said:

> As far as I am concerned, sir, from whatever authority I have as chairman of the board, I will assure the committee that we will not be back to seek any more money.

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

Mrs. SMITH of Maine. I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. If there were some way we could make this absolutely certain, I think a lot of the opposition would be withdrawn.

My fear is that it is not going to be $64 million; it is going to be a lot more. The inflationary spiral in this country, while we think it is beginning to slow,

certainly has not slowed. We read in the paper that labor is going to demand more money for craft labor, and it is certainly going to be applied to this building.

I feel, Mr. President, that the amendment is a wise one, even if we have to wait 6 months, because we might save $10 million on this by finding out the mistakes that have been made by GSA and by others so that they will not be repeated in the future.

I cannot, for the life of me, understand how anyone, in the first place, would want to build a building under the approach or takeoff area of one of the Nation's major airports, but we now have it on what we call the Georgetown departure and Georgetown approach. The noise is going to be a problem, whether we feel it has been abated by acoustical lining or not. In fact, the Planning Commission warned about that, but it was ignored.

I am not finding fault with the trustees. There is fault someplace, and I think it would be proper to have the GAO take a good, hard look at this. I doubt that it would take 6 months. I think they could do this in a matter of a week. I am told by the sponsor of the amendment, who has undoubtedly talked with GAO about this, that it will take 2 months. This is their business. I opposed referral to GAO during the authorization bill because they have no business getting into strategy and deployment, but it is certainly their business to look into the dollars and cents we have spent.

Mr. President, I am very proud to be a cosponsor of this amendment. I would like to see the Center completed, but I do not like to see us going down a road that seemingly has no end, and we do not know how much it is going to cost in the long run.

I hope the Members of this body will agree to this amendment so that we can find out, in an intelligent way, just where we are headed.

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

Mr. GOLDWATER. I am glad to yield for a question on the time of the Senator from Montana.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield to the Senator from Montana whatever time he requires.

Mr. MANSFIELD. Mr. President, what the Senator from Arizona has said has a good deal of validity. But I would point out that this is only the authorization bill. The Appropriations Committee, of which the distinguished Senator from Maine is the ranking minority member—and of which I happen to be a member—could give the most serious consideration and the most prompt consideration to the questions raised by the distinguished Senator from Arizona.

Mr. GOLDWATER. I think that is a very sound, logical argument for the adoption of this amendment, so that the Appropriations Committee can be guided by the expert knowledge that seems to be needed.

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

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. I do not have any time.

Mr. JORDAN of North Carolina. I yield to the Senator from Arkansas as much time as he requires.

Mr. FULBRIGHT. So far as the appropriation of the $7½ million is concerned, we could ask, I could ask, anybody could ask, the chairman of the committee could ask the GAO to proceed forthwith to submit a report before that comes up. The $5 million borrowing authority is critical; and if that is not made available immediately, it will entail the delays and the cancellations and the cost.

I think it would be perfectly proper to proceed in that manner—to ask for a GAO report. We do not need a resolution or a bill to ask for a GAO report. I have asked for them. The Senator from North Carolina or the Appropriations Committee can ask for one tomorrow.

Mr. GOLDWATER. If special legislation is needed for borrowing, could it not be borrowed from a private institution?

Mr. FULBRIGHT. Borrow this money from a private institution?

Mr. GOLDWATER. Yes.

Mr. FULBRIGHT. No; I do not think so. I do not think it would be possible or appropriate. This is not a moneymaking undertaking.

Mr. GOLDWATER. It has to be, if the money is going to be paid back.

Mr. FULBRIGHT. This is for the garage. They have already borrowed. The purpose of that is simply to reimburse the Government for the borrowed fund, but it is not set up or intended to make a profit.

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

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield to the Senator from Illinois as much time as he requires.

Mr. PERCY. If the Trustees would then become responsible for all the work that is being done, I would be happy to yield my position on the Board, representing the Republicans, to the distinguished Senator from Arizona. He could then take the personal financial responsibility that would incur.

Mr. GOLDWATER. I am happy to learn of the great confidence the Senator from Illinois has in the Senator from Arizona, but I am already on the hook on several things, and I must decline.

Mrs. SMITH of Maine. Mr. President, I yield to the Senator from Alabama such time as he requires.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mrs. SMITH of Maine. How much time does the Senator desire?

Mr. ALLEN. Twelve minutes.

Mr. President, I support the amendment offered by the able and distinguished and charming Senator from Maine.

In 1958, President Eisenhower signed into law 85–784, authorizing construction of a National Cultural Center. The law authorized establishment of a board of trustees composed of 15 specified Federal officials, ex officio members, and 15 general trustees appointed by the President. This board was charged with the responsibility of building a National Cultural Center in the District of Columbia, with funds raised by voluntary contributions.

In the 88th Congress, the National Cultural Center Act was amended to authorize appropriations in an aggregate amount equal to gifts, bequests, and devises held by the board of trustees. Not to exceed $15.5 million. It further provided borrowing authority in the amount of $15.4 million in the form of revenue bonds to finance parking facilities for the Center.

At this stage the Center had been transformed from one financed entirely by contributions to one to be financed from public and private funds on a matching basis, and at the time Public Law 88–260 was enacted, it was intended that the Center would be built for a total cost of $46.4 million.

The Board of Regents of the Smithsonian Institution determined, in accordance with its duty imposed by the statute, that the board of trustees of the Center had sufficient funds from appropriations, from the bond issue, and from gifts and devises to construct the Center, and construction was thereupon initiated.

I might say at this point, parenthetically, that the Board of Regents of the Smithsonian Institution, in February 1966, used the January 1964 estimate of the costs of the Center, which certainly, with the escalating prices that we hear so much of, does not seem to indicate the best of business judgment.

The Center is now said to be approximately 50 percent completed, and current estimates indicate that the Center will cost, along with the parking facility, approximately $66.4 million; and Congress is called upon to authorize the Center to issue $20.4 million worth of revenue bonds to finance necessary parking facilities for the Center. This is an increase of $5 million over the previous authorization.

In addition, Congress is asked to increase appropriations authorized for construction purposes from $15.5 million to $23 million.

The Center has progressed from one to be paid for from contributions, to one paid for from contributions and matching funds, to one to be paid for by supplemental appropriations by Congress.

The reasons advanced for the new cost estimate of the facility are interesting, to say the least. The Senate report accompanying H.R. 11249, now under consideration, states:

> The reasons for the almost inexorable growth of the project cost and the . . . need for additional funding are not clean cut and unanimously agreed upon.

That is an interesting observation if for no other reason than its honesty. Some of the reasons and some of the factors mentioned in the report are:

The contract was not let on a competitive bids as originally intended.

Some is attributable to error on the part of the General Services Administration. The error is not specified.

Some is attributable to error on the part of the architect. These errors are not specified.

Other reasons include changes in the program requirements after work had started.

Some to inefficient—that is their word—sequencing of subcontract awards.

Some to strikes—to underestimating concrete and steel tonnage requirements, to inflation, and finally to delays in receiving marble from Italy.

In the committee report and recommendation we read:

> The Committee wants it clearly understood that the Center must be completed within the proposed cost of $66.4 million and if, by any chance, this figure has been underestimated any additional funds required must be raised by the Board of Trustees through private subscription.

One reasonably could conclude that such was the intent of the original act authorizing construction of the Center from contributions. One could reasonably assume that such was the intention in authorizing the original appropriation for matching funds and for the issuance of revenue bonds.

I note, too, that the Secretary of the Smithsonian Institution, Mr. S. Dillon Ripley, in a letter dated May 23, 1969, which is in the committee report, stated:

> The Smithsonian Institution considers that its responsibility in this respect under the Act of January 23, 1964, was then discharged.

He was referring to their certification on January 27, 1966, that the Center had on hand sufficient funds to build the Center, using, of course, in 1966, the 1964 estimate.

The Senator from Illinois mentioned the fact that if this bill were not passed right away all work on the Center would have to stop. Yet, the Senator from Maine, on the last legislative day, made it abundantly clear that, this being merely an authorization bill, its passage would not make the money available and that it would be necessary for an appropriation bill to pass. The proponents of the additional appropriation—$7.5 million as an outright appropriation and $5 million in borrowed funds—say the Center can now be completed with the additional $12.5 million. All that the amendment offered by the distinguished Senator from Maine would do would be to accept them at their word and say that if on an examination of the receipts and disbursements of the board of trustees of the Center, and on estimate of future costs, it is found that the amount of money made available by this act, plus money on hand, is sufficient to complete the Center, then the authorization would become effective. It merely accepts their proposition. They say it can be completed. The amendment under consideration provides if that will build the building and facilities then the appropriation would be authorized and the appropriation bill could then follow.

Mr. President, I am interested—and I am sure that after I have made my remarks on the bill an answer will be given—in the $24 million that has come from the private sector. I notice from the statement filed in the RECORD by the Senator from Arkansas on the last legislative day that an item of $3.5 million is listed as a receipt, or as money available for the construction of the Center, coming from a concern known as APCOA—Washington, Inc. "advance under concession agreement." I do not know what APCOA is. I gather it is probably a parking lot company. But apparently they have put $3.5 million into the "pot," so to speak, and that is being counted as receipts from the private sector.

I notice also $755,000 is listed as a receipt from Canteen Corp. That is part of the private-sector money. I would like to have an explanation of that item and I believe the Senate would also be interested in hearing the explanation.

In connection with the revenue bonds that are authorized—and that will be authorized if the pending bill is passed—and, I will say, if the amendment is adopted and the bill is passed—the revenues from the parking facilities are to be pledged for the payment of the $20.4 million revenue bonds.

I would like to know to what extent this $3.5 million advanced by APCOA has diminished the Treasury's lien on the revenues of this facility.

I would also be interested in having the figures placed in the RECORD as promised by the Senator from Arkansas and the Senator from Illinois showing the disbursements by the Trustees up to this point. The statement filed by the Senator from Arkansas on the last legislative day, which is in the RECORD, was that the Center has received $54 million. I think it would be interesting to know, and those figures were promised, what has become of all that money.

I would like to know what agreement has been made with concessionaires that would diminish the lien of the Government on revenues of the Center.

Mr. FULBRIGHT. Does the Senator wish me to respond to that now?

Mr. ALLEN. No; I would rather have the Senator respond when I have completed my remarks.

Mr. FULBRIGHT. Very well.

Mr. ALLEN. Mr. President, in closing, I wish to say that the Bible contains a lot of information, advice, and instruction that is in a nature other than spiritual, moral, or ethical. It contains advice along matters of business or matters of judgment and prudence.

This language is found in Luke, chapter 14, starting at verse 28, which applies to this situation. Jesus had this to say:

> For which of you, intending to build a tower, sitteth not down first and counteth the cost, whether he have sufficient to finish it.
>
> Lest haply, after he hath laid the foundation, and is not able to finish it, all that behold it begin to mock him,
>
> Saying, this man began to build, and was not able to finish.

Mr. President, in no way does the amendment seek to deprive the Center of the funds authorized by this act. It merely seeks to guarantee that enough money is available; that if this money is appropriated that it will be sufficient to furnish the Center.

I believe it would be an exercise of good business judgment, of which the Senator from Illinois is so well noted, to agree to the amendment and provide for the money, provided it would finish the building.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I would be very happy to answer some of the Senator's questions, if I can get the time.

Mr. JORDAN of North Carolina. How much time does the Senator require?

Mr. PERCY. Two minutes.

The PRESIDING OFFICER. The Chair would advise the Senator from North Carolina that he has 32 minutes remaining.

Mr. JORDAN of North Carolina. I yield 2 minutes to the Senator from Illinois.

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

Mr. PERCY. Mr. President, I should like to give as businesslike an answer as I can to the very businesslike questions asked by the Senator from Alabama. They are good questions. They need to be answered and should be answered.

First of all, let me repeat that passage of this bill would, of course, not make available the $7½ million. These would be authorized but not appropriated until the Appropriations Committee acted. We have been advised that the borrowing authority of $5 million would be immediately available and would, thereby, enable the GSA to go ahead with the present contracts and not shut down the job.

Thus, passage of the bill is essential and crucial without the amendment of the distinguished Senator from Maine in order for us to have the borrowing power to go ahead. That borrowing power is for the parking facilities. I have been in the garage. It is now being built. Obviously, the foundations have already been built and to build the foundations they have to build the garage, because it is located below the Center proper. So that these funds would be used for whatever purposes would be required to finish that job. It is a total contract that we are dealing with.

The Senator from Alabama has asked a real question as to the $54 million reported as being available and what has happened to all those dollars.

I should like to tell the Senator where some of the items are, because they are not in dollars at all. Part of the $54,749,000 is in the form of gifts from foreign governments.

For instance, from Denmark, $155,000 for furniture; from Germany, $150,000 worth of doors; from Italy, marble worth $1,132,000; from Japan, curtains worth $140,000; from Norway, chandeliers worth $180,000; and so forth.

These are not dollars. They are goods, fixtures, and so forth, which have been donated by foreign governments.

Here is another little item of $3.5 million as an advance under the concession agreement, that is part of the $54 million. But, there is an asterisk on the balance sheet, and that asterisk defines the assets as being available in accordance with the terms and conditions of the concession agreement.

In one reads the fine print, that money is not available until we finish the garage.

Mr. GOLDWATER. Mr. President, will the Senator from Maine yield me 1 minute?

Mrs. SMITH of Maine. I yield 1 minute to the Senator from Arizona.

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

Mr. GOLDWATER. Can the Senator from Illinois tell me how many cars the garage will accommodate?

Mr. PERCY. I believe it is 2,200.

Mr. FULBRIGHT. It is 1,600.

Mr. PERCY. That is right 1,600 cars.

Mr. GOLDWATER. How many people will the Center accommodate?

Mr. PERCY. There will be three theaters. It depends whether all would be occupied simultaneously. It is our judgment that adequate parking facilities for all future scheduled needs will be provided for by this contract.

Mr. JORDAN of North Carolina. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty-nine minutes remain to the Senator from North Carolina, and 28 minutes to the Senator from Maine.

Mr. JORDAN of North Carolina. I thank the Chair. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. SMITH of Maine. Mr. President, the principal objection raised to the amendment offered by Senator GOLDWATER, Senator ALLEN, and myself in the debate Friday was that there was a time squeeze and critical urgency to get the funds by early this month.

The sudden urgency and the time squeeze mystify me. Surely it is not the fault of the supporters of the amendment before the Senate. If this is the case then it is the making of the managers of this bill.

For the House passed this bill on July 8, 1969, even thought 162 Members voted against it and even though 44 percent present voted against it.

That was 90 days ago. If there has been an urgency on this bill why has this bill been brought up so late?

Mr. President, I want to call the attention of the Senate to the fact that this bill was reported out to the Senate floor by the Public Works Committee on July 22, 1969. That was 77 days ago. If there is such great urgency on this bill, why the delay in bringing it up for full debate—especially after the very great opposition to the bill registered in the House?

Mr. President, to my knowledge, the first time that this bill was called up was on September 19, 1969. In other words, it was not called up for action until 60 days after it had been reported out by the Public Works Committee to the Senate floor for action. In other words, Mr. President, apparently there was no urgency on this bill for at least 60 days after it was reported to the Senate.

Now let me make abundantly clear what the situation was when this bill was finally called up on September 19, 1969. First, it was called up without prior notice to the membership of the Senate. Second, it was called up not only at the end of the day's session but as well at the end of the week—very pointedly at a time when many Senators had left for the weekend.

I objected to debating and voting on the bill at that time when so many Senators had left for the weekend and when there would be little opportunity for the membership to be informed on the bill and to debate on it.

Now when I objected 2 weeks ago, nothing was said about urgency on the bill.

The point of urgency was first raised last Friday. I simply cannot understand why the point of urgency would be raised and stressed so much after the bill was before the Senate for so long without having been called up—and without any expression about urgency having been made before.

Mr. President, I now yield 5 minutes to the distinguished Senator from Virginia (Mr. BYRD).

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

Mr. BYRD of Virginia. Mr. President, I speak as a friend of the John F. Kennedy Center for the Performing Arts.

I favor a national cultural center in this great Capital, which is not only the Capital of the United States but also the capital of the world.

I speak also in support of the amendment offered by the distinguished senior Senator from Maine (Mrs. SMITH).

The purpose of the amendment is very simple; namely, to find out, first, how much more the proposed national cultural center will cost the taxpayers of the United States. It seems to me that is a reasonable request.

Others may disagree, but in my judgment the Congress of the United States has in recent years been very lax in handling funds taken out of the pockets of the taxpayers, the wage earners of our Nation.

Let us put this proposal in perspective. In 1958, and again in 1963, it was emphasized to the Congress—in both the House and the Senate—that the cultural center would be built by private funds; that the Government would not be called upon to take tax money to build it.

What do we find today? We find today that, if this legislation is enacted, the Government will have put up two-thirds of the estimated total cost of the building. The cost is now estimated to be $66 million. But no one knows—and that is why the distinguished Senator from Maine presented her amendment—just how much more will be required beyond the figure of $66 million.

If the legislation is enacted, already the Government will have been called to put up two-thirds of the amount, when we were told at the beginning—and it is clear from the record of the House of Representatives and the record of the Senate—that it would cost the taxpayers not one cent.

I say it is well past time for the Senate and for the Congress to delve more deeply and carefully into how the wage-earners' funds are scattered all over the United States.

I think it is significant to note—and I think this should be emphasized—that now the estimated cost of the building will be more than double the original cost. The original estimate was $31 million. It is now up to $66 million.

No Senator can stand on this floor today and say that will be the final amount the taxpayers will be called upon to pay.

Not only am I pleased to support the amendment offered by the Senator from Maine, but it seems to me if the Senate does not adopt the amendment, it continues its lax policy in handling tax funds.

I do not see how anyone can contend that the Congress and the Senate as a whole have not had a lax policy in handling tax funds.

This Nation is overwhelmingly in debt—$365 billion. This Nation owes in interest on that debt $17 billion a year. That $17 billion, incidentally, is substantially more than—50 percent more—then the Government will get from the 10-percent surtax in a whole year's period.

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

Mr. BYRD of Virginia. I yield to the Senator from Arkansas, on his time.

Mr. FULBRIGHT. I ask for 2 minutes.

The Senator made reference to the debt and the interest on it, and I agree with him; but is it not a fact that 80 or 90 percent of that debt is from military expenditures? The Senator is a distinguished member of the committee which provides for those expenditures. Everybody knows that the real extravagance of this Government is in the Defense Department.

Mr. BYRD of Virginia. I would say that extravagance of this Government is in every department.

Mr. FULBRIGHT. There is nothing comparable to the Defense Department. The Senator certainly does not deny that. We are spending some $80 billion for defense this year. So I say practically all of the debt—I would say 80 or 90 percent of it—is due to military expenditures.

If the Senator wants to make a point of it, I do not know why he picks on this building. It is practically the only fine arts building the Government is interested in. The Senator says the Government is paying two-thirds of the cost of it. Why should the Government not pay it? It owns it. The Government paid for all of the Rayburn Building. Here is a situation where private citizens, out of their own pockets, have contributed one-third of the cost. Why have they? This is a Government building. I contributed a small amount to it; yet I do not have any claim to it. But it is a public undertaking and a public building. I do not see why the Senator should say, as if it were a great crime, that the Government is paying two-thirds of it. In most of the other, if not every other, civilized governments of the world, the government pays all the costs for installations of this kind, not just two-thirds.

Mr. BYRD of Virginia. I must point out that the whole history of the legislation shows, when one reads the RECORD of the Congress——

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

Mr. BYRD of Virginia. May I have 3 minutes?

Mrs. SMITH of Maine. Mr. President, I yield another 2 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. When one reads the CONGRESSIONAL RECORD of 1963, when he reads President Kennedy's speech it is clear that the whole idea was that it was to be a citizens' proposition. The whole idea was that the citizens of this Nation would make voluntary contributions. That is fine. I am personally going to make a contribution to it. I want to see it completed. But before voting additional Government funds, I want to know how much it is going to cost.

That is all the amendment offered by Senator SMITH would do; it would try to find out how much it is going to cost, so we will know how much it is going to cost the Federal Government. I think the taxpayers are entitled to know that, and are entitled to have the facts before we continue to plow more and more money into the project.

I voted to reduce the defense authorization by $2 billion. I am going to vote for other decreases in military expenditures. But I am also going to vote for decreases in other areas of Government, because I think the whole Government has gotten too big and too expensive.

Mr. FULBRIGHT. With that, I agree.

Mr. BYRD of Virginia. Mr. President, let me repeat that I shall make a personal contribution to the John F. Kennedy Center for the Performing Arts.

I am not willing to vote tax funds, however, for that purpose, until I have some assurance as to just how deeply the taxpayers will be involved.

Mr. President, we are in the midst of an inflationary spiral from which there is seemingly no escape. The Congress has just asked the taxpayers to tighten their belts again by approving an extension of the 10-percent surtax. The costly war in Vietnam continues with no end in sight.

The Congress took a significant step toward fiscal responsibility when it took a long careful look at this year's Defense Department budget requests.

The Senate debated for 9 weeks on the military procurement bill. In so doing, it gave careful analysis to military procurement contracts. If memory serves me correctly, the Congress discovered a 40-percent overrun in the C–5A contract.

The Senate put the Defense Department on notice that there would be no more blank checks. The spending of tax dollars, even for defense, must be justified.

I submit that it is inconsistent to cut the fat away from one part of the bone and let it increase in another. This body should not spend 9 weeks trimming the Defense budget without adopting the same policy—but not necessarily the same length of time—to the rest of the budget.

The history of what is now the Kennedy Center began in 1958. The Congress authorized the building of a national cultural center. This must have been a very happy Congress since all those involved believed this cultural center would be built through private donations and would not require any Federal appropriations.

President Kennedy himself envisioned that this project would be funded through voluntary contributions. In 1963, he stated:

> To secure the necessary funds to build the center, which will be a $30 million structure of theater and concert halls, a nationwide fund-raising program was authorized through which the American people are given an opportunity to demonstrate their voluntary support for the creation of this type of national institution.

There was a dream at the time to have a national cultural center in which all Americans, from schoolchildren to millionaires, could share through private, voluntary contributions. It seemed to be the thought at that time that a cultural center would have more meaning if Americans shared in its construction in this manner rather than have their tax dollars appropriated.

This original structure was estimated to cost $31 million. But it was only a dream that such a structure could be built without Federal appropriations.

In 1963, the rationale seemed to shift. At that time, it was decided to name the cultural center in honor of our late President, John F. Kennedy. It was thought then that this would be a fine "living" memorial to a beloved President.

In 1963, the Congress voted to authorize the appropriation of $15.5 million. This amount was to be matched by private donations on an equal basis and would have covered a $31 million price tag on the cultural center. In addition, there was borrowing authority of $15.4 million for construction of parking facilities.

There was promise after promise in the 1963 debate that no more Federal funds would be required. The Board of Trustees said they would not request any more money from the Congress.

Now, 6 years later, the Congress is being asked to increase that Federal appropriation by 48 percent to $23 million. We are also told that the original estimate of $31 million, which was increased to $46.4 million, if the borrowing authority were included, has now been increased to $66.2 million. This is a 43.5 percent increase in the estimated cost of reduction.

It is more than double the original estimate of $31 million—it is more than double the amount envisioned by President Kennedy.

We who represent our people in the Congress have a duty to those people. We have a duty to the taxpayers of this Nation to spend their money wisely—whether it is for defense or a cultural center.

Somehow, the National Cultural Center, which originally involved no Federal money, is now—if this legislation is approved—more than two-thirds federally funded. Of an estimated $66.2 million price tag, the Federal Government and the taxpayers are being asked to provide $43.4 million.

I do not quarrel with the need for a center for the performing arts. The city of Washington, and our Nation, need such a center. But, I do quarrel with legislative blank checks for contractors.

The history of Federal building contracts is not encouraging. One cannot avoid looking at the overruns on the New Senate Office Building and the Rayburn House Office Building.

The District of Columbia Stadium is a good example of the predicament which the Government finds itself in once it starts such a project. Somehow, self-liquidating projects always involve a yearly appropriation from the Congress. This year's budget for the District of Columbia includes over $500,000 to cover the obligations on the bonds for the District of Columbia Stadium.

This legislation would also increase the borrowing authority from $15.4 to $20.5 million—almost one-third. Is the Senate supposed to believe that this facility will be self-liquidating? I suggest that we prepare now for the annual request to keep this self-liquidating project solvent.

There was great and justified concern over the 40-percent cost overrun for the C–5A. Yet here we have a 48-percent increase in a project that was to involve no Federal funds.

I feel the amendment offered by the distinguished Senator from Maine (Mrs. SMITH) is appropriate at this time. The Congress should not allow any further expenditure of tax dollars on this project until the cost increases have been studied.

The Government Accounting Office has the expertise to study contract awards and inaccurate cost estimates.

I speak as one who favors a national cultural center in the city of Washington.

But we should not proceed with this project until we know what the ultimate cost will be to the taxpayers.

Mr. President, I ask unanimous consent to have printed in the RECORD several pages taken from the CONGRESSIONAL RECORD of July 8, 1969, which contains statements going back to 1958, showing the clear intent of Congress when the legislation was enacted, that it should be handled by private contributions.

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

PROVIDING FOR CONSIDERATION OF H.R. 11249, JOHN F. KENNEDY CENTER ACT AMENDMENTS

Mr. O'NEILL of Massachusetts. Mr. Speaker, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

"Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11249) to amend the John F. Kennedy Center Act to authorize additional funds for such Center. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit."

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume,

at the conclusion of which I will yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 447 provides an open rule with 1 hour of general debate for consideration of H.R. 11249 to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

H.R. 11249 would amend section 8 of the John F. Kennedy Center Act by increasing the authority for direct appropriations from $15,500,000 to $23 million, an increase of $7.5 million, provided, as in the basic act, that this increase is matched by an equal amount of money, securities, and other property from other sources. In addition, the bill amends section 9 of the act by authorizing an increase in the amount of bonds authorized to be issued to pay for the cost of the underground parking facilities by $5 million—from the original $15,400,000 to $20,400,000.

The original authorization of $15.5 million has been matched by an equivalent amount of gifts as required by present law. Approximately $5.5 million worth of additional gifts has also been received by the Trustees and may be applied toward the additional appropriations authorized by this legislation.

The overall construction of the Center is more than 50 percent complete. The exterior marble panels have been erected on the three exterior walls of the concert hall, completely enclosing the southernmost third of the building. The exterior marble has also been erected on the river side of the opera. It is planned to complete the exterior marble panels for the entire building by the fall of this year.

Concrete work has been completed in the concert hall area, in practically all of the garage area, and is well under way in the opera. A carpenters' strike commenced on the first day of May, and this stopped all further work of pouring concrete. About 30 percent of the total concrete remains to be put in place.

A large amount of masonry, plumbing, air conditioning, elevator, and electrical work has been accomplished. The concert hall, the hall of nations, the grand foyer, the river terrace, and the entrance plaza are all taking shape and their ultimate appearance, insofar as form is concerned, can be readily visualized.

Major work still to be contracted includes tile, terrazzo, wood floors, interior glass, approaches, landscaping, interior painting, and the finishing of administrative and rehearsal spaces. A program for procurement of all furnishings, furniture, landscaping, and sound equipment will have to be initiated in the immediate future in order to be coordinated with the completion of the building.

Mr. Speaker, I urge the adoption of House Resolution 447 in order that H.R. 11249 may be considered.

I yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from Massachusetts, House Resolution 447 does provide an open rule with 1 hour of debate for consideration of H.R. 11249, the John F. Kennedy Center authorization.

The purpose of the bill is to authorize additional Federal funding for the John F. Kennedy Center in the amount of $7,500,000 on the condition that this increase be matched by private sources. The bill also authorizes an increase in the amount of bonds to be issued to pay the cost of underground parking by $5,000,000 to a new total of $20,400,000.

Original cost estimates set construction costs of the Center at $46,400,000. Current estimates now total $66,400,000. Construction is now more than 50 percent complete.

The committee recommends passage of the bill but clearly states that it will not in the future consider another funding request.

The gentleman from Kentucky (Mr. SNYDER) and the gentleman from Indiana (Mr. ZION) oppose the legislation because of the fiscal condition of the country.

The gentleman from Wisconsin (Mr. SCHADEBERG) has filed additional minority views. He opposes the legislation and wants the bill returned to committee so that an alternative funding plan can be devised.

Letters supporting the bill are included in the report from the John F. Kennedy Center, the Smithsonian Institution, the Commission on Fine Arts, and the Bureau of the Budget.

Although the committee has stated that they are not going to come in and ask for additional money in the future, I remind the House that we cannot bind any future Congress, and it would not surprise me if the proponents of the Center come in later with a request for funds in order to complete the Center.

Mr. Speaker, I yield 10 minutes to the gentleman from Iowa (Mr. GROSS).

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, here we are again.

To the new Members of this body, may I say "welcome" to what has become the regularly scheduled fleecing of the American taxpayer by the promoters of that white elephant on the banks of the Potomac, the Kennedy Cultural Center.

While leafing through the hearing on this year's sheep-shearing operation, I notice the gentleman from Texas (Mr. WRIGHT) reminded his committee colleagues that the House and the American people had been solemnly promised on a previous occasion that no more money from the U.S. Treasury would ever be sought for this boondoggle.

That promise, the gentleman reminded his colleagues, "is going to be read back to us when we go out on the floor with this bill."

I would not for the world disappoint the gentleman from Texas, but I am in a quandary as to just which promise he meant.

Was it the statement made in 1958 by our former colleague from Virginia, Mr. Smith, who told us, and I quote:

"It does not cost the Government any money. They are going to have a magnificent structure here. The money is going to be raised by voluntary contribution and they will have a magnificent building here for the performing arts . . . and we get it free."

I am certain the gentleman from Texas (Mr. WRIGHT) remembers Mr. Smith's remarks because he jumped right in with this:

"I certainly concur in what my colleague, the gentleman from Virginia, has said."

Was that the promise of which the gentleman was reminding his committee colleagues during their abbreviated hearing a few weeks ago on this bill?

Or was it the one made by the gentleman from Pennsylvania (Mr. FULTON)? Here's the way he laid it out:

It has been said that this will not cost the Government money. No, it will not.

If that was not the promise to which the gentleman referred, perhaps he had reference to the exchange between Mr. Seely-Brown of Connecticut, a former Member of the House, and the gentleman from New Jersey (Mr. THOMPSON).

Mr. Seely-Brown asked this:

"Mr. Speaker, I want to make two points. First, this is not going to cost the taxpayers a cent; is that correct?"

The gentleman from New Jersey (Mr. THOMPSON) responded:

"Not one cent; that is correct."

Then I got into the act.

"Mr. Gross. Make no mistake about it, this is a legislative blank check. I do not think any Member of the House would want to stake his reputation on the statement here and now that all the money for the construction of this $25 to $50 million Cultural Center is going to be raised from philanthropic sources.

To which the gentleman from New Jersey (Mr. THOMPSON) replied:

"I would stake my reputation on it, for the record."

I wonder, Mr. Speaker, if those were the statements to which the gentleman from Texas referred in the hearing. But just in case they are not, let us take another trip to the floor of the House, this time on August 5, 1963, where we find the gentleman from Alabama (Mr. JONES), a member of the committee, seeking legislation to extend the time allowed to raise voluntary contributions for the Center.

This is part of what he said then, and I quote:

"Mr. JONES of Alabama. Mr. Speaker, this extension—this authorization—does not authorize the expenditure of one red penny.

"This is unique legislation. The funds for this building are being raised by voluntary contribution.

"I would like to point out once again that no additional Federal funds are involved in this legislation."

On January 8, 1964, the gentleman from Iowa (Mr. SCHWENGEL), also a member of the Public Works Committee, had this to say:

"When the question of the National Cultural Center Commission was before this House and I took a strong position in its favor and, of course, in favor of the Center, it was made clear, as all of you will remember, that there would be no use of Federal funds for the project.

"With me, Mr. Chairman, this is a point of honor."

And the gentlewoman from Illinois (Mrs. REID), speaking on March 17, 1964, concerning the extension of time in which to raise contributions for the Center, said this:

"It was the fear of some of my colleagues that this was a forecast of eventual requests for Federal funds for this project, but I was able to allay such fears since I was led to believe at that time, in my capacity as a congressional member of the Board of Trustees, that there was no intention of ever asking for Federal funds.

"If the Congress approves the appropriation of these initial Federal funds for this Center, will we be faced by continuous requests for more Federal money to take care of some unforeseen or unplanned emergency or expense in the future?"

Mr. Speaker, I suggest that the foregoing statement entitles the gentlewoman from Illinois for favorable consideration as the Jeane Dixon of Capitol Hill.

But the bogus promisers are still with us.

I seem to remember that one, Roger Stevens, who has presided over this monumental boondoggle, asserted some years ago that he would resign if he could not raise from private sources all the money necessary to build this pleasure palace.

If Members will turn to the hearing on this bill they will find the latest weasel-worded promise from Mr. Stevens in the following colloquy:

"Mr. CRAMER. Do you give the Committee complete and full and unequivocal assurance that you will not come back for any additional money for the construction of this facility?

"Mr. STEVENS. Well, I think it is the duty of the Trustees to complete the building with the funds if this bill goes through that are available to us, sir.

"Mr. CRAMER. I want to ask this question again. It is going to be asked us on the floor. If we cannot give this assurance, I do not think the bill has a Chinaman's chance. Can you give this Committee the assurance that you will not come back for any additional money for the construction of this facility?

"Mr. STEVENS. As far as I am concerned, sir, whatever authority I have as Chairman of the Board, I will assure the Committee that we will not be back to seek any more money."

I submit that statement is meaningless. In the first place, Stevens could be gone tomorrow as Chairman of the Board, and in the second place the Board could easily vote to instruct him to go right on pilfering the treasury. The so-called assurance from Stevens is but one more of the utterly worthless assurances and promises that have been made both in and out of Congress in connection with this fiasco.

Mr. Speaker, the Federal debt is now at $365 billion and it will require the borrowing of an estimated $17.3 billion this year just to pay the interest on that debt.

Poverty, we are told, is still rampant. Hunger, we are told, is still widespread. The costly war in Vietnam goes on and on, and inflation goes up, up, and up. And here we are considering a measure to throw another $12½ million in this fiasco that started out to cost $30 million—at no expense to the taxpayers—and is going to top $66 million before the doors are ever opened.

In view of the financial situation that confronts the citizens of this country, and in view of the deception and broken promises that have marked this Treasury raiding, I submit that it takes an uncommon amount of gall for the Public Works Committee to even bring this proposal to the House floor. It ought to have been shelved in committee. Since it was not, the House ought to kill it here on the floor and thus serve notice that promises made in the promotion of legislation must be kept now and in the future.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. I appreciate the gentleman yielding.

I thought we might bring in one more "trip to the floor," later on in the same year, 1964, during the appropriation bill debate on this floor, when the esteemed chairman of that subcommittee (Mr. KIRWAN), said that, "they plan to collect about $20 million, and the Appropriations Committee gave them the full $15.5 million authorized." He then said, "We do not expect to report out any more."

Mr. STEPHENS. Mr. Speaker, will the gentleman yield for a question?

Mr. GROSS. I yield to the gentleman.

Mr. STEPHENS. Would the gentleman please make it clear that the Mr. Stephens he is talking about is not me?

Mr. GROSS. I will be glad to. It is not the gentleman from Georgia.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. Certainly I yield to the gentleman.

Mr. WRIGHT. I thank the gentleman for yielding.

He used my name and quoted me accurately save for the fact that I did not characterize this bill as a boondoggle.

Mr. GROSS. I would not expect the gentleman, who has been a party to raiding the Treasury for this purpose, to call it a boondoggle.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I hope that this rule will be adopted. After the gentleman from Iowa (Mr. GROSS) has finished making his comment, I think that we ought to have a definite opportunity for the chairman of the subcommittee in charge of this bill to answer the objections and the doubts of the gentleman from Iowa.

I now yield to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield 7 minutes to the gentleman from Ohio (Mr. BOW).

(Mr. Bow asked and was given permission to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, I rise in opposition to this rule and in opposition to the bill.

I would hope that if the rule should pass the bill would be recommitted. It seems to me a great deal more study must be done on the matter of the financing of this Center. There has been a great deal of consideration in the past.

I would like to make one thing crystal clear. As a member of the Board of Regents of the Smithsonian Institution, under the original enactment of this law there was a provision that it would not be built until the Regents of the Smithsonian Institution certified that sufficient money was on hand to complete the building. Well, some few years ago we had a meeting of the Board of Regents, and the Trustees of this Center and their attorney and their accountants came in. They laid it right on the line to us that they had plenty of money to complete the building, and they urged the Regents of the Smithsonian Institution to so certify. And after looking over the books and records and giving the matter careful consideration the Director of the Regents of the Smithsonian did so certify.

So not only was I taken in originally on this legislation, but I was taken in as a Regent of the Smithsonian Institution, that there was enough money to build it, and the taxpayers were not going to be saddled with this great cost.

Mr. Speaker, I join with the gentleman from Iowa (Mr. GROSS) in taking a trip back to the floor, back some time ago, and we heard then—and we remember what Mr. Smith, our beloved former colleague from Virginia, had to say.

You will also remember a very fine gentleman whom we had here from California who is now deceased, Mr. Baldwin, who was a member of the committee and Mr. Baldwin said:

"The most remarkable thing about this bill which came before the Public Works Committee is the fact that this group of people who are interested in providing a National Capital Cultural Center are willing to actually assume the burden of raising the funds to finance it. That is quite a distinctive approach to those of us in Congress who have been working on many projects involving the construction of buildings." . . .

And our friend, Ken Keating, who was with us at that time, and who is now Ambassador to India, said:

"It should be noted that the land to be occupied by this structure is not now being used for any significant purposes, that the center will not be subsidized by the Federal Government—"

And I think we can go back over the road and find item after item, Mr. Speaker, and statement after statement, that this Center was not going to be financed by the Government, but then we came along and we gave them some money.

Let me point out to you, my colleagues, that we have already contributed to this nonsubsidized, no-Federal-funds program, and we are already in for $33 million—$33,075,000, to be specific—for the project. And when you pass this bill today, a few days after we approve continuation of the surtax, you are going to have $45,575,000 in this Center. And all of that after all the promises that we were not going to tax the people of this country for the Center.

I say to you, my friends, that I have been taken. I voted for it originally, and now I come to the wailing wall and admit the error of my ways. I hope others will not be too proud to admit the error of their ways, and will vote against this rule and vote to recommit.

But, Mr. Speaker, I want to make one other statement here that I rather hesitate to make, but I believe I should: There was a request on this particular bill sent to the Regents of the Smithsonian Institution asking for the comments of the Smithsonian on this bill. We had a meeting of the Regents of the Smithsonian Institution some time around the 20th of May, and this matter came up. There was a discussion. We discussed the fact that we had already certified that there was enough money to build it. After some consideration the Regents of the Smithsonian decided we should do nothing; we would take no action at all on this bill. We rather felt that we had been taken in once, and we were not going to take any more action.

Much to my surprise, in this report I find here on the date of May 23, a few days after the meeting of the Regents—and the Regents are the controlling officers of the Smithsonian Institution—I find that S. Dillon Ripley, the Secretary, wrote a letter to the chairman of the committee and said this in part:

"It is our understanding that present estimates of cost and other justification in support of provisions of H.R. 11249 will be presented to the committee by the representatives of the John F. Kennedy Center for the Performing Arts and of the General Services Administration. In suppport of that justification, the Smithsonian Institution recommends favorable consideration of H.R. 11249."

Mr. Speaker, I say here unequivocally to you as a member of the Board of Regents, the Board of Regents never took any action supporting this legislation, but in fact made a decision not to support it, and I think this ought to be known by the Members here.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman briefly.

Mr. GRAY. The gentleman has made a very important statement. But he stated he voted to help create this Center. Is that an accurate statement?

Mr. BOW. That is right.

Mr. GRAY. The gentleman knows—if he has been along the beautiful banks of the Potomac River——

Mr. BOW. Oh—what that thing has done to the banks of the Potomac River with the overhanging marquee of that building out along the parkway where you are not safe to drive and where you have had to go one way for about a year now. It looks like we will have more. Oh, but it has done a beautiful job to the beautiful Potomac. But you go ahead—do you still like it? Tell me honestly, my dear friend from Illinois—do you still like that marquee sticking out over there?

Mr. GRAY. If the gentleman will listen as intently to my speech as I have to his, I am sure we can get along fine.

I want to ask the gentleman this. He admits he helped to create this Center. Would you like to see a national disgrace by an unfinished building on the banks of the Potomac. That is the real issue in this bill.

Mr. BOW. Mr. Speaker, I do not yield further to the gentleman.

Mr. Speaker, it seems to me the one great national disgrace that might come about is if this Congress gives its word that the taxpayers will not be called upon to pay a dime and then time after time we go down to the well and we violate that word—that is the national disgrace—when the Congress does not keep its word to the American people.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Mrs. REID).

Mrs. REID of Illinois. Mr. Speaker, although I certainly do not profess to have the powers of Jeane Dixon, as the gentleman from Iowa indicated, I am afraid that I did know from past experience when I spoke on January 8, 1964, just what would happen.

On August 5, 1963, the House amended the original National Cultural Center Act to provide for an additional 3-year period in which funds could be raised through voluntary contributions for construction of such Center in Washington, D.C. It was the fear of some of my colleagues that this was a forecast of eventual requests for Federal funds for this project but I felt I was able

to allay such fears since I was led to believe sincerely at that time, in my capacity as a congressional member of the Board of Trustees, that there was no intention of ever asking for Federal funds—that the original concept of having a cultural center built through voluntary contributions would remain in effect.

However, on January 8, 1964, we were asked to authorize direct appropriations of $15.5 million for construction of the Center as well as the issuance of $15.4 million in bonds to pay for the cost of underground parking facilities. At the same time the Center was renamed the John F. Kennedy Center for the Performing Arts and it was made a memorial to our late President. I gave my full approval to renaming the Center and making it a memorial to the late President Kennedy. On the other hand, I stated unequivocally that I was opposed to the use of Federal funds for construction and expressed my strong feeling that the memorial would have much greater meaning and be more of a tribute to the late President Kennedy if it were built through voluntary, free-will contributions.

Today we are being asked to increase the direct appropriation to $23 million and the bond authorization to $20.4 million. Furthermore, there is no proof that this will be the last request for building funds or that yearly appropriations for the operation of the Center—once built—will not be requested.

The fact that a Center for the Performing Arts is vitally needed in our Nation's Capital for opera, ballet and other cultural activities is well known and I feel it is a fitting memorial to the late President Kennedy. However, I would strongly urge that this bill be sent back to the committee for further study of alternative means of financing other than through public tax subsidies. If this bill passes and the money is appropriated, about two-thirds of the present estimated cost will have been paid by the taxpayers.

It would certainly be a more fitting tribute to our late President if citizens paid for it through voluntary freewill contributions rather than having their tax money used for this purpose. The meaning would be so much greater. I realize that the building is already under construction and tax money has already been used so we cannot return entirely to the original concept of financing, but we could move in that direction by recommitting H.R. 11249. Also, why could it not be financed through the issuance of bonds which could be paid off through the charges for the performances? This is one other alternative which might be considered.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD, since the matter of foreign contributions has been brought up, certain sums of money which the United States has appropriated over a period of years to various foreign countries, those nations to which the largest amounts have been given.

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

Foreign aid

	Billion
Korea	$7.8
United Kingdom	7.7
India	7.5
France	7.0
South Vietnam	5.8
Italy	5.4
Turkey	5.4
Republic of China	5.0
Germany and Berlin	3.7
Greece	3.7
Japan	3.6
Pakistan	3.5
Brazil	2.8

Foreign aid—Continued

	Billion
Yugoslavia	$2.6
Iran	2.0
Netherlands	2.0
Spain	2.0
Philippines	1.8
Belgium-Luxembourg	1.7
Indochina	1.5
Chile	1.4
Austria	1.1
Norway	1.1
Thailand	1.1
Colombia	1.0

Mrs. SMITH of Maine. Mr. President, I yield myself 2 minutes.

In the debate Friday, it was observed that the cost overrun on the Kennedy Center could not be compared with the Safeguard ABM or the C–5A. Injection of the ABM into the debate was raised by the opposition to my amendment.

My response to that is to remind the opposition that I voted against authorization of any funds for the Safeguard ABM, including voting against over three-quarters of a billion dollars for development of the Safeguard ABM.

I did inject comparison with the C–5A for two reasons. First, a GAO amendment was offered on the C–5A authorization and my amendment on the Kennedy Center is modeled after that GAO amendment on the C–5A to the extent of cost determinations. Second, the cost overrun on the Kennedy Center percentagewise is even greater.

In defense of the cost overrun on the Kennedy Center, the opposition to my amendment placed great emphasis on the rise in costs from inflation. Yet, I cannot recall that they evidenced any such tolerance and consideration of inflation and rising costs with relation to cost overruns on the C–5A.

In further defense of the cost overrun on the Kennedy Center and in opposition to my amendment, the opposition argued that the Kennedy Center is a very complicated building. There is nothing quite like it anywhere else in the world.

My response to that is that the same observation can be made about the C–5A and that the C–5A is very complicated and that there is nothing like it anywhere else in the world.

The PRESIDING OFFICER. Who yields time?

Mr. YARBOROUGH. Mr. President, will the Senator from North Carolina yield 3 minutes to me?

Mr. JORDAN of North Carolina. I yield 3 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I must say at the outset that I am one of the newer members of the trustees of the Kennedy Center, appointed only this year. I had, years ago, made a small contribution to that Center, never dreaming that I would ever be a member of the Board of Trustees. It was a very small contribution, though it was considerable to me at the time; and I welcomed this honor of serving on the Board, and have endeavored to familiarize myself with the problems facing the Center. I am in agreement with the intent and language of H.R. 11249.

It has been a matter of some embarrassment, Mr. President, for some years. in visiting other countries of the world, to have to acknowledge that I came from the only great nation I knew of that had no national center for the performing arts.

I think the American people owe it to themselves to build a center for the performing arts. It is long overdue. The distinguished Senator from Arkansas mentioned that beautiful opera house in Vienna. We saw this wonderful edifice at the Inter-Parliamentary Meeting in April of this year. It was restored, as the Senator stated, with American money after its partial destruction in World War II.

This great Nation can no longer afford to delay building a center for the performing arts, that is worthy of a great people.

The distinguished Senator from Montana, the majority leader (Mr. MANSFIELD) read parts of an editorial from the Washington Sunday Star published yesterday, October 5. The editorial analyzes this controversy on both sides. I shall repeat only one sentence:

The practical effect of that move—

That is, to block the authorization pending an investigation by the General Accounting Office—

would be to bring work on the center to a complete halt probably within the next few days and add materially to the total cost of completion.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "Assault on the Center," published in the Washington Sunday Star of yesterday, October 5, 1969.

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

ASSAULT ON THE CENTER

The half-fleshed skeleton on the Potomac known as the John F. Kennedy Center for the Performing Arts makes an inviting target for partisan political assault. But despite the temptations, the attack now being mounted by some Senate Republicans should be called off and the requested additional funds should be approved.

Not that the critics don't have a point. The building, originally estimated to cost $46.4 million, has progressed through a series of escalating estimates until the figure now stands at $66.2 million—an overrun of approximately 43 percent. There was, certainly, some sloppy figuring—and just possibly a bit of intentional underestimating to sugarcoat the first pill that Congress was asked to swallow.

But the real joker in the deck was neither carelessness nor budgetary sleight of hand. It was the devastating inflationary spiral, aided and abetted by a prolonged strike. No one can properly be held accountable for failing to anticipate the zooming costs of building construction.

The House, after bitter debate, voted to provide the $12.1 million the center needs to complete the work. There is a move now in the Senate to block the funds pending a thorough investigation by the General Accounting Office. The practical effect of that move would be to bring work on the center to a complete halt, probably within the next few days, and to add materially to the total cost of completion.

Congress does not need a GAO survey to inform itself on how building costs can get out of hand. There is no need to look further than the Rayburn Building for such instruction.

The Kennedy Center already represents a multi-million dollar investment in private donations and in gifts by foreign governments. It is an obligation to which Congress is already fully committed. The political noises should cease, and the work should continue without interruption.

Mr. YARBOROUGH. While there are many pertinent sentences in it, I think the most material sentence is that which I have just read about the effect of this amendment, if adopted, on construction progress. It would force work to come to a halt. The editorial points out the effects of spiraling inflation and the part inflation has played on the rapidly increasing costs of construction.

It has been pointed out, and it is not necessary for me to repeat, that with the passage of this authorization, the Appropriations Committee will still have to pass on the matter; and that if, in the meantime, the GAO investigation shows that there is any reason why the funds should be held up, the Appropriations Committee will have the power to do it.

Everyone in Congress knows that the Appropriations Committee looks with pretty much of a jaundiced eye upon money being appropriated for a purpose such as this. It is hard to get it from the committee. I have served on it, and I know. Only one of the regular appropriation bills has been signed into law this year, as shown on the fourth line of the back page of today's calendar of business. That is the Treasury and Post Office Department appropriation bill. The table does not show, but that bill was signed into law on the 29th day of September.

That is the only one of the general appropriation bills that has as yet been passed. So the Appropriations Committee is going very slow with appropriation bills this year, scanning them slowly item by item. There has been no year since 1950 when appropriation bills have been delayed this long. I think that alone shows there will be ample opportunity to survey this matter. Meanwhile, we need to furnish the authorization, so that the GAO and the Appropriations Committee can make any necessary scrutiny of the matter while deciding upon appropriations.

I believe we owe it to the Nation to have a Center for the Performing Arts worthy of the ideals of the American people; one that will be a showplace for our Nation, such as other nations have in their capitals. We should show the rest of the world that we have other things in mind besides the enhancement of our national power, and that we treasure other things besides might and power.

Mr. President, this Center will put this city on a par with the other great capitals of the world. We need it as a center for the vibrant part of our culture. We need this Center as the moving, throbbing, heart of culture in America.

The Nation's Capital is widely thought to be one of the most beautiful cities in America and perhaps in the entire world. The broad sweep of its avenues, the pleasantness and year-round beauty afforded by its many parks, and the majesty of the great river at its doorstep all contribute to its physical beauty. Moreover, the Federal Government has embellished the beauty of the Capital's plan and natural setting with many great buildings and public monuments. From the Capital building which crowns the city to the elegant simplicity of the White House and the symmetry and beauty of the Jefferson and Lincoln Memorials, the works of man matched with the works of nature and the vision of our forebearers have made the Capital a city of rare beauty.

Unfortunately, the Government has not equalled these efforts in the area of providing an adequate center for cultural activities. The John F. Kennedy Center will provide such a facility. It will contain stages for music and drama. It will house an opera company, a symphony orchestra, a ballet troupe, and a theater company.

What is being requested in this bill is a relatively minor item in the total national budget. It is insignificant beside the vast sums we spend yearly for weapons, for highways, and for the many other Federal programs.

Yet the benefits we gain from this small sum will be great. The work on the John F. Kennedy Center can be carried to completion. Our political capital can become a spiritual and cultural capital as well.

Mr. President, I fail to see why we should approve this amendment, the effect of which would be to stop work on the Kennedy Center. Let us pass this bill as the other body has done, so that work on this magnificant edifice may proceed to completion.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, will the Senator from Maine yield me 5 minutes to ask the Senator from Illinois one or two questions?

Mrs. SMITH of Maine. Mr. President, I have 15 minutes remaining. I yield 3 minutes to the Senator from Alabama.

Mr. ALLEN. I ask the Senator from Illinois referring to the $3.5 million item in the receipts statement I inquired about during my remarks the other day, if that is in the nature of an advance rental paid by the parking lot people to the Center.

Mr. PERCY. That is correct. Under the terms of the contract, the parking company agreed, on call, to advance $3.5 million of its anticipated revenues to the Center for parking. This agreement was made providing the parking facility was finished and ready to go, and the Center was completed to such extent that they knew there would be performances attracting customers.

Mr. ALLEN. Would that be in the nature of advance rentals?

Mr. PERCY. That is in the nature of advance rentals.

Mr. ALLEN. Then no consideration was given to the supposed lien that the Treasury has, under terms of the act, on the revenues of the parking facilities. We are overlooking the fact that the Treasury is going to have a stake of $20 million in this venture, secured by a lien on the parking facilities revenues. If you have already taken in $3.5 million of those revenues, have you not thereby diminished the lien of the Treasury on those revenues?

Mr. PERCY. As I pointed out before, not a penny of that money has been called for, is available, or can be obtained now, until the Center is completed, until the parking facility is ready to go, and until there are performances scheduled, so that we can absolutely assure and guarantee to the parking contractor that the building is going to be usable and is usable for the intended purpose.

Mr. ALLEN. In other words, the advance rental, then, would deprive the Treasury of its lien on $3.5 million of receipts?

Mr. PERCY. And that advance, of course, would be available for the trustees and the administration to be able to be used to retire and draw down those bonds.

Mr. ALLEN. Has that been cleared with the Treasury Department?

Mr. PERCY. Treasury approval is not required. Title to the Center land and building is held by the U.S. Government. The bonds have a first lien on income when they became due and payable.

Mr. ALLEN. In other words, the Treasury Department is going to take a second lien, then, instead of the first lien, on the receipts.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I ask for 3 minutes.

Mr. JORDAN of North Carolina. Mr. President, I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I spoke on this matter last Friday. I did so because I am a member of the Committee on Public Works, and of course the bill came before our committee, and we bear responsibility as well as others who have been associated with this building.

I should like to say that the direct contribution of the United States, through appropriations, would be the $15.5 million which has been appropriated, and if $7.5 million more is appropriated as authorized by this bill, there would be a total appropriation of $23 million for the building.

There is also a contingent liability. There was $15.4 million borrowed under the existing authorization, and $5 million additional would be authorized by this bill. That is a total of $20.4 million; it is intended to be repaid from parking revenues. What would actually be appropriated and so contributed by the taxpayers to this great Center would be $23 million. The other $23 million would come through gifts.

I said the other day that I could not contradict the statements made by the distinguished Senator from Maine. There is no question about the overruns. The overruns were explained by those who appeared before us—the General Services Administration and others. Part of it is due solely to inflation, part is due to a strike, part is due to the fact that they were forced to let these contracts in smaller pieces because of the lack of certainty about the availability of funds. And the contracts were on a cost plus a fixed fee basis. They admitted un-

derestimates in some fields. They promised when they appeared before us they would not come back again. I cannot look into the future. However, I think they mean it.

Mr. President, one may ask why we would go ahead and authorize the additional money. It is clear from looking at the building that it is about half finished. Contracts are pending upon which funds will have to be paid. And they cannot be paid by the Board of Trustees unless the pending bill is passed.

If those funds are not made available, there will be a hiatus in the gift program. I would certainly say the matter of the overrun should be investigated. When it is investigated—and it can be done without holding up the funds—we should try to determine if the General Services Administration is the appropriate agent to undertake the contracts. The GSA is the agent for all Federal buildings. That is mostly what we would have to examine. I assume that we would have to go ahead in this manner if we want the building completed.

I make no argument against looking into the matter, but I think the country and Congress want the memorial finished.

In the committee, we considered this matter. We know that this is the principal national memorial to the late President John F. Kennedy. We believe it should be finished.

Let us look into the cost of the overrun. If we are going to finish it, we should appropriate the funds and let the building go forward.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from North Carolina has 16 minutes remaining.

Mrs. SMITH of Maine. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maine has 12 minutes remaining.

Mr. JORDAN of North Carolina. Mr. President, I suggest the absence of a quorum.

Mr. FULBRIGHT. Mr. President, is the time chargeable to both sides?

The PRESIDING OFFICER. That can be done only by unanimous consent.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. FULBRIGHT. Mr. President, in view of the sparse attendance of Senators—the Senators who are now in the Chamber have already heard what I shall say, and I cannot add much to it—I can only emphasize the importance of not delaying the completion of the building, on the assumption that we wish to complete it. Every one of the sponsors of the amendment with whom I have spoken has said that he is not against the construction of the center. All that the sponsors wish to do is to have time to review past mistakes and avoid future mistakes, if they can. That is a highly laudable purpose; no one objects, nor do I, to having the General Accounting Office audit the accounts. I do not think a single thing will be turned up in addition to what the General Services Administration has already determined. The General Services Administration is an agency that is equipped to do that with respect to the construction of buildings.

I also notice rather a coincidence, in that during the recent controversy about the military program, almost all the Senators who are now asking that the General Accounting Office examine into the construction of the Center declined to have the GAO examine into the military program; they thought that the GAO was not suitable to do it; they had their own auditors. I think, without having checked the record, that most of those Senators opposed having the General Accounting Office examine into the cost of the C–5A.

But now they want the General Accounting Office to audit the funds, although the General Services Administration is the agency which has been created to supervise and audit the funds for the construction of all buildings of this character. The GSA is supervising the construction of all the vast array of Government office buildings and other buildings in Washington and elsewhere. So I do not see that much would be gained by having the GAO make an audit, although I do not oppose it. But what I do oppose as unacceptable, besides the business proposition and, I think, other considerations, such as dignity and good manners, is a delay in construction.

I have estimates of what additional costs may be, depending upon how long and under what circumstances the delay will be. As an extreme case, if the building is "put in mothballs," and construction competely suspended, the best figure I have obtained from the General Services Administration is that the loss will be approximately $14 million, assuming that the building is "put in mothballs" for from 1 to 5 years. But if the delay is only 60 days, and there are penalties to be paid, the cost may be only $1 million or $2 million, as I believe the Senator from Illinois (Mr. PERCY) said. That would be the price to pay for a 60-day delay, because the Center is out of money. It will have to begin to reduce costs. It will have to lay off personnel and will not be able to proceed with the contracts which are essential to the continuation of the work.

For example, today I spoke with Mr. Stevens. The contracts for the tile of the terrazzo flooring will have to be let and work started. Other work which is now going forward will be held up, work such as plastering, and the like. I shall not attempt to describe in detail how the building is constructed. But the information is at the Center, and anyone may look at it. A great many people are at work there today.

Mr. President, one last thing, the question of the Government's percentage of the cost of the building.

This is a Government building. It belongs to the Government. It is built on Government land. Normally, in most civilized countries which are interested in the fine arts, they build all their buildings and they pay all the cost—the great theaters in Paris or in Rome. I am sure that in Moscow they did not take up a public contribution to build the Bolshoi. It is a public building, belonging to the Government, just as this Capitol is. It is on Government land, and it belongs to the Government.

I think it is quite unusual for the private sector to contribute as much as they have. They all are taxpayers, in addition to making contributions. Rather than be criticized about it or have something funny raised about it or have it said that they should pay more, I think they should be congratulated.

Personally, I do not wish to apologize for anything about this building. Its history is well known. It should have been built years ago.

This is the only country in the world that devotes nearly all its funds to military affairs and almost nothing to fine arts or anything having to do with nonmilitary improvement of the quality of life. That is one of the reasons why there is such a revolt going on in this country among the young people—not because of this particular building, but because they sense that the direction of this great country is in the wrong direction; that we are becoming a country dominated by the military, and with very little interest in what is generally called the humanities or the fine arts.

Mr. President, for the information of Senators, I ask unanimous consent to have printed at this point in the RECORD a memorandum in connection with this matter and a letter dated October 6, 1969, addressed to me by Mr. Myers, contracting officer of the General Services Administration.

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

[Memorandum, October 6, 1969]

RESPONSE TO QUESTIONS RAISED CONCERNING APPROPRIATION AND BORROWING AUTHORITY NEEDS OF THE JOHN F. KENNEDY CENTER

ASSETS IN THE "FUNDS AVAILABLE FOR CONSTRUCTION" STATEMENT ARE ALREADY COMMITTED

Initially, the terminology, used in the caption of the financial statement "Funds Available for Construction" should be explained. In fact, all of the funds which are listed in the statement, while available for construction, have already been committed for construction contracts by the Contracting Officer, the Commission of Public Buildings, G.S.A.

This statement of assets reflects only a portion of the financial position of the Kennedy Center. There is also a liabilities statement, which, of course, under generally accepted accounting principles, is necessary to give a complete financial picture of the Center. In the Center's case, these liabilities are largely contractual commitments already entered into. The existing contractual commitment along with the already completed

parts of the structure exhaust virtually all the $54,915,640 of assets which are listed in this statement.

As has been made clear to the Congress, it is essential that additional assets be made available forthwith, in the form of a $5 million borrowing authority, because as of today the Center has no uncommitted funds for new contracts. These contracts must be executed to avoid unnecessary delay in construction. The Contracting Officer has already indicated that he is holding up the awards of two contracts, totalling approximately $500,000, for lack of additional uncommitted funds. And delay in construction of the Center of course will result in previously unanticipated slowdown and start up expenses and in additional appreciation of costs.

Therefore, when construction of the building has been completed, every dime included in the statement "Funds Available for Construction" will have been spent. And, in fact, practically every dime listed in the statement has already been committed to specific contracts for construction.

CONDITIONAL CONTRACT ARRANGEMENTS WITH CONCESSIONAIRE

As set forth in the financial statement "Funds Available for Construction," the Kennedy Center can commit funds and sign contracts totaling approximately $55 million. Included in this total are "assets" of about $4.5 million represented by conditional contractual commitments from the food concessionaire, Canteen Corporation, and the parking concessionaire, Apcoa. As pointed out in the footnote of the financial statement, these funds will become usable assets only when the terms and conditions of the concession agreements have been fulfilled. These contracts provide that $4.5 million will become available only when certain stages of construction are reached. If these stages of construction are not reached in a timely fashion corresponding to the pre-established schedule for construction of the Center, some contracts and commitments already entered into will have to be curtailed. Therefore, it is essential that construction continue on schedule so that the conditions of the concession agreements will be met in a timely fashion.

IMPORTANCE OF RETAINING PRIVATE FUNDS ($11,497,614) INTACT

It should be noted that while all of the assets listed in the statement "Funds Available for Construction" have been committed to existing contracts for construction of the Center, the Center has been fortunate in having sufficient liquid assets (as of September 15, $11,497,614) over the past several years to enable the investment of funds to generate sufficient income to continue to meet the operating budget and preserve the organization. It also should be noted that it is fortunate that these are *private donated* funds, since appropriated funds and borrowed funds could not be invested.

In order to maintain for income-producing investment this reserve of private funds, already committed but not disbursed, $5 million in borrowing authority is urgently needed to commit additional contracts and to maintain the schedule for construction. If the schedule is not followed the Center would have to disburse these private funds for the stoppage and later start up costs. And as has already been explained, Congress could not make up for the loss of privately donated fund by simply replacing them in an equivalent amount, because the funds provided by Congress could not be invested to generate income.

It is now the goal of the Trustees of the Center to use the proceeds from a current, private fund-raising drive to replace the private income-generating fund as the existing $11 million is actually disbursed on the contracts already committed.

STOPPAGE AND STARTUP COSTS

Termination of contracts, which would result from the failure of the Congress to authorize $5 million in borrowing, will lead to a stoppage of construction. This would require that the partially completed structure be placed in mothballs by enclosing the exterior; it would require that partially performed contracts be terminated "for the convenience of the Government" and that contractors and subcontractors be paid for stopping work; it would require that most of the liquid funds of the Center ($11,497,614 as of September 15, 1969) be immediately expended for the work stoppage, placing the building in stand-by condition, protecting it during the dormant period, and mothballing the structure. It is estimated that because of this work stoppage approximately $4 million would be utterly wasted without even considering the fact that most of the $11 million of private funds would be depleted and that additional millions would be required to start up again.

The Center has been advised by the General Contractor and subcontractors that resuming construction of the building, once it has been terminated, would entail an additional cost of $10 million. At the Hearings before the Subcommittee on Public Works on May 26, 1969, Roger L. Stevens advised the subcommittee that he felt that "it would be very imprudent" to follow the course of suspending or terminating construction because of this enormous cost that such a course of action would entail.

CONCLUSION

The legislative history of the House passed bill authorizing $7.5 million in appropriated funds and $5 million in borrowing authority makes it abundantly clear that the Congress will not appropriate any additional funds nor authorize any additional borrowing for construction of the Center. With the funds now requested, the Center will have to complete construction of the facilities within the budget. If costs exceed the existing budget, private sources alone will have to remedy the problem. For the federal government, a ceiling has now been established.

If the Congress does authorize the appropriation of 7½ million, the authorization will still require subsequent review and approval by the Appropriations Committees of the House and Senate when the supplementals are presented. Meanwhile, the $5 million borrowing authority will enable the Contracting Officer of the Center to commit funds for essential contracts, while appropriate Congressional review takes place. It would be a tragedy to in any way delay the construction timetable; not only would the result of delay result in millions of dollars in additional costs, but more importantly, the mandate of Congress and of four administrations would be seriously impeded.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., October 6, 1969.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: The following is provided in response to your request for information on the amount of money committed or expended for construction of the John F. Kennedy Center for the Performing Arts.

As you are aware, the Board of Trustees has made $54,915,640 in assets available to the General Services Administration for the design and construction of this project. As of September 30, 1969, $54,315,000 had been committed to design and construction contracts. Furthermore, expenses under the general contract, on a day to day basis, are running about $200,000 per month. There can be no reduction in the commitment figure without a concomitant reduction in previously awarded subcontracts. It should be readily apparent, therefore, that additional resources are needed immediately. If additional funds are not made available now, not only will we be unable to award two critical pending subcontracts amounting to approximately $500,000 but will, in fact, have to begin cancellation of selected subcontracts during the month of October in order to provide reserves for mothballing the project. The only way in which this cessation of work can be avoided is the receipt of the $5 million which would be made available now under H.R. 11249.

So far as expenditures are concerned, these total approximately $35 million. However, the crucial figure of commitments is controlling; we must pay bills as they accrue.

Total costs will be increased substantially should it become necessary to slow down or stop work on this job. While the amount of increase cannot be accurately determined at this time, it is reasonable to expect that stoppage of work would cost approximately $1,000,000 per month.

Sincerely,

R. G. MYERS,
Contracting Officer.

Mrs. SMITH of Maine. I yield myself 2 minutes.

Mr. President, I am not offended by the attempt to characterize me as being inconsistent on so-called GAO-Comptroller amendments. That is an accepted part of debate and parliamentary dialog and tactic.

But it simply is not accurate to charge that I have opposed all such amendments.

I merely call attention to my vote on rollcall No. 77 of this year on September 17, 1969 when I voted for the Proxmire-GAO-Comptroller amendment. If anyone should have the slightest doubt about it, then I invite him to read the RECORD at page 25802.

I do not deny that I have voted against some GAO-Comptroller amendments but to charge that I have voted against all simply is a misrepresentation.

The GAO-Comptroller amendments that I have voted against have been those that proposed to vest in, and impose upon, the Comptroller General and the GAO evaluation of weapons systems. I voted against such proposals for the obvious reason that the Comptroller General and the GAO are clearly not qualified to make such evaluations.

I do not want to make the Comptroller General also the Chief of the Joint Chiefs of Staff and I do not want to make the Senate floor the new war gaming center.

The Comptroller General has made it abundantly clear that he does not feel that he and his office are qualified to evaluate the proper role of weapons systems.

This amendment of mine is far different from those I opposed. For this amendment of mine does not propose to have the Comptroller General and the GAO make any evaluation of the proper role and mission of the Kennedy Center.

This amendment only proposes that the Comptroller General and the GAO make determinations of past costs and projected costs on the Kennedy Center and they are certainly qualified to do that and the American taxpayers are certainly entitled to have such information.

Mr. President, to those who would try to cast those of us defending the inter-

ests of the American taxpayers here today on this amendment—try to cast us in the role of not being duly deferential to the late President Kennedy, I would quote Representative CHARLOTTE REID of Illinois who stated in House debate on July 8, 1969, page 18614:

It would certainly be a more fitting tribute to our late President if citizens paid for it through voluntary freewill contributions rather than having their tax money used for this purpose. The meaning would be so much greater.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield to the Senator from West Virginia such time as he desires.

Mr. RANDOLPH. Mr. President, at the outset, I wish to state emphatically that the Senator now speaking, although he disagrees with the amendment offered by his distinguished colleague from Maine, would in no wise impugn nor even imply that that amendment to the pending bill is offered other than in good conscience. I would not attempt to think in terms of the offering of an amendment by any Member of this body except that it be offered in good conscience and in the belief that the amendment offered would be justified. My opposition to the amendment will be stated simply upon what I believe to be a more favorable solution that can be effected.

On October 3, the Senate addressed itself to this subject matter, at which time several Members debated it. Since that time, it has been of considerable concern to me, and I have tried to assess the problem to provide a solution.

As chairman of the Committee on Public Works, I have requested the Comptroller General to conduct a thorough study of the construction costs of the Kennedy Center and the anticipated costs of completion.

At this point in my remarks, I wish to read the letter I have sent to Comptroller General Elmer B. Staats:

It is requested that the General Accounting Office make a study of the past costs and the estimated future costs of completing the John F. Kennedy Center for the Performing Arts. This study should be submitted to the Committee on Public Works, United States Senate, by December 3rd, 1969.

In preparing your study, please answer those questions which were asked on the Floor of the Senate on October 3rd, 1969 (contained in pages 28374 through 28384, of the Congressional Record of that date.)

Mr. President, I have signed the letter as chairman of the Committee on Public Works.

This request, which I have made in an effort to arrive at a solution would fulfill the basic substance of the amendment proposed by the distinguished senior Senator from Maine. I think it could be done in this way, without imposing the burden of interrupting construction on this vital project, a project on which the Senate has committed itself.

I point out, Mr. President, that the General Services Administration has estimated that if the project construction program were interrupted it would add approximately $1 million per month—not per year but $1 million per month—to the already mounting costs of the construction of the Center. Since the Committee on Appropriations probably will not act on the additional funds authorized by H.R. 11249 until December of this year at the earliest, by which time the General Accounting Office will have completed the information and have complied with my request for this study, the commitment of these funds could be fully protected by the Committee on Appropriations in light of the General Accounting Office findings.

I think it is important during the interim that construction of the Kennedy Center go forward and that it proceed under the additional funds provided by the increased authority to borrow as authorized in H.R. 11249.

Mr. President, I, therefore, oppose the proposed amendment. I think that it is unnecessary. I think it would add significantly to the cost of completing the Kennedy Center; and it is my feeling that the effort that I am making in the way I have explained it may recommend itself to Members of the Senate.

Mr. President, I wish to conclude by saying what I said in other words at the beginning. I am sure that my colleague, the distinguished Senator from Maine (Mrs. SMITH) offers her amendment with the very best of intentions and with a full appreciation of her responsibility as a member of this body. So when we disagree it is only a disagreement upon that which is proposed. I accept it in good conscience and in good faith.

Mr. President, I am ready to trust the judgment of the Senate in this matter, and the response to the letter that I have addressed to the Comptroller General.

The PRESIDING OFFICER (Mr. DOLE in the chair). Who yields time?

Mrs. SMITH of Maine. Mr. President, will the Chair advise us as to the time remaining?

The PRESIDING OFFICER. The Senator from Maine has 9 minutes remaining and the Senator from North Carolina has 4 minutes remaining.

Mrs. SMITH of Maine. Mr. President, a strong credibility gap hovers over this project—already we have the repeated past assurances of Mr. Stevens of no more requests for funds would be made.

Now, I wish to call attention to another disturbing aspect in this matter.

On July 8, 1969, Representative Bow of Ohio, a Regent of the Smithsonian Institution, said—and I cite pages 18613 and 18614 of the RECORD:

We had a meeting of the Regents of the Smithsonian Institution some time around the 20th of May, and this matter came up. There was a discussion. We discussed the fact that we had already certified that there was enough money to build it. After some consideration the Regents of the Smithsonian decided we should do nothing; we would take no action at all on this bill. We rather felt that we had been taken in once, and we were not going to take any more action.

Much to my surprise, in this report I find here on the date of May 23, a few days after the meeting of the Regents—and the Regents are the controlling officers of the Smithsonian Institution—I find that S. Dillon Ripley, the secretary, wrote a letter to the chairman of the committee and said this in part:

"It is our understanding that present estimates of cost and other justification in support of provisions of H.R. 11249 will be presented to the committee by the representatives of the John F. Kennedy Center for the Performing Arts and of the General Services Administration.

"In support of that justification, the Smithsonian Institution recommends favorable consideration of H.R. 11249."

Mr. Speaker, I say here unequivocally to you as a member of the board of regents, the board of regents never took any action supporting this legislation, but in fact made a decision not to support it, and I think this ought to be known by the Members here.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Mr. President, I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I oppose the amendment for two principal reasons. First, it is clear that the adoption of the amendment would add to the cost. We are talking about increased costs already. It is clear that cancellation of contracts and subcontracts, and the renewal of them on the present market, would cost more money.

The second reason I oppose the cancellation, is that we have assurances of the commission that upon this basis, if it is voted, this is the last time they will ask the Federal Government for money.

I wish to read this sentence from the report:

However, the committee wants it clearly understood that the center must be completed within the proposed cost of $66.4 million and if, by any chance, this figure has been underestimated and the additional funds required must be raised by the Board of Trustees through private subscription.

Mr. President, in order that it may appear who is on the Board of Trustees I ask unanimous consent that the list of members of the Board be printed in the RECORD as it appears on page 8 of the committee hearings.

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

BOARD OF TRUSTEES

Roger L. Stevens, Chairman.

Richard Adler, Floyd D. Akers, James E. Allen, Jr., Commissioner of Education, Robert O. Anderson, Ralph E. Becker, K. LeMoyne Billings, Edgar M. Bronfman, Mrs. George R. Brown, Robert W. Dowling, Ralph W. Ellison, Robert H. Finch, Secretary of Health, Education, and Welfare, Abe Fortas, Rep. Peter H. B. Frelinghuysen.

Senator J. William Fulbright, Mrs. George A. Garrett, Leonard H. Goldenson, Mrs. Rebeckah Harkness, George B. Hartzog, Jr., Director of the National Park Service, Senator Edward M. Kennedy, Thomas H. Kuchel, Mrs. Albert D. Lasker, Erich Leinsdorf, Sol Myron Linowitz, Mrs. Michael J. Mansfield, Harry C. McPherson, Jr., George Meany, Robert I. Millonzi.

L. Quincy Mumford, Librarian of Congress, Senator Charles H. Percy, S. Dillion Ripley II, Secretary of the Smithsonian Institution, John Richardson, Jr., Assistant Secretary of State for Educational and Cultural Affairs. Richard Rogers, Arthur M. Schlesinger, Jr., Mrs. Jouett Shouse, Mrs. Stephen E. Smith.

William H. Thomas, Chairman of the District of Columbia Recreation Board, Representative Frank H. Thompson, Jr., Jack J. Valenti, William Walton, Chairman of the Commission of Fine Arts, Walter E. Washington, Mayor-Commissioner of the District of Columbia, Lew R. Wasserman, Edwin L. Weisl, Sr., Representative James C. Wright, Jr., Senator Ralph W. Yarborough.

Mr. HOLLAND. Mr. President, Senators will note some of the most wealthy and best known philanthropists in the Nation are contained within the Board.

I am told by the committee that the chairman of the Board is the one who has given the assurance that if this bill is passed they will assure the raising of additional funds, if any are required, to build this building.

I call attention to the fact also that on this board of trustees the names of 4 of our able senatorial colleagues appear, in addition to the former Senator from California, Mr. Kuchel, who recently retired from this body. In addition, the names of several Members of the House of Representatives appear. I call attention to the fact that Mrs. Mansfield, the wife of our distinguished majority leader is also a member of the board.

I cannot believe that the chairman of such a Board would give an assurance of that kind to this committee unless he knew that we could depend upon it.

In closing, Mr. President, I want to repeat what I said the other day. We must recognize what we have done before. This has been an action of the Senate; this has been an action of the Congress. This building was named for our former colleague, a former President of the United States. If we should fail to go through with this matter and forget the fact that eight or nine other nations have given substantial gifts for this Center, I think we would be doing something to cause our Government and ourselves to be held up to ridicule. Certainly, as far as the Senator from Florida is concerned, he feels it would reflect hurtfully on the pride of this Nation and the Senate.

Mr. President, I ask unanimous consent that the list of other nations which have participated, as apppears on page 28383 of the RECORD, be printed in the RECORD.

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

Other tangible property:	
Furniture, Denmark	$155,000
Doors, Germany	250,000
Marble, Italy	1,132,000
Curtain, Japan	140,000
Chandeliers, Norway	180,000
Chandeliers, Ireland	35,000
Chandeliers, Sweden	210,000
Organ	136,094
Total other tangible property	2,238,094

Mrs. SMITH of Maine. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Chair informs the Senator from Maine that she has 3 minutes remaining.

Mrs. SMITH of Maine. Mr. President, resuming the discussion on the matter of costs, I should like to read to the Senate some even more current cost comparisons that are very disturbing.

In November 1965, GSA estimated the total cost of building the Kennedy Center as $41 million. Of this total, constructural steel was estimated as $5,040,000 and concrete as $6,200,000.

John McShain, Inc., Contractors, was awarded the general contract on August 1, 1966. Bethlehem Steel Corp. was awarded subcontract on structural steel on October 6, 1966, in the amount of $7.7 million. This figure was subsequently negotiated down to $7.5 million.

In January of 1967, independent cost estimates were made by M. F. Kenney, Inc., which placed the figure for steel at $7.7 million and concrete at $6.1 million. In June, GSA "reconciled" the Kenney steel estimates to $7.2 million.

Currently, the structural steel work is said to be 95 to 100 percent completed. Total cost: $7.7 million. However, there is an added steel cost of $200,000 in connection with onsite steel work, thereby raising the total to $7.9 million. This is said to have arisen because of technical disagreements as to what work was to have been done at the Bethlehem plant. Using the $7.7 million figure, this is a cost overrun of 52.7 percent when compared to the November 1965 GSA estimate of $5,040,000.

Using the $7.9 million figure, this represents a cost overrun of 56.7 percent when compared to the GSA November 1965 estimate of $5,040,000.

With the concrete work said to be 85 percent completed, the total cost is now $8.2 million or 32.2 percent higher than the GSA November 1965 estimate.

Mr. JORDAN of North Carolina. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute remains to the Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, I held hearings on this bill when it came before the Public Works Committee. At that time, Mr. Foster, the Deputy Commissioner for Public Buildings, testified that building costs in the District of Columbia were going up at the rate of 1 percent per month. That is a terrific escalation of costs for anything—12 percent per year.

As I understand it—and I think this is correct—there are a number of subcontracts which will have to be canceled, the point being that if this is done one could not go out today and get bids on firm contracts because he could not know what the costs would be.

We stand to lose a tremendous amount of money on these contracts, which also have penalty clauses provided they are canceled.

Mr. President, I ask the Senate to reject the amendment.

The PRESIDING OFFICER. All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Maine (Mrs. SMITH). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Alabama (Mr. SPARKMAN) would each vote "nay."

I also announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) and the Senator from North Carolina (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. SAXBE) would each vote "nay."

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from Tennessee (Mr. BAKER). If present and voting, the Senator from Iowa would vote "yea" and the Senator from Tennessee would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from Texas would vote "yea" and the Senator from Maryland would vote "nay."

The result was announced—yeas 19, nays 53, as follows:

[No. 112 Leg.]

YEAS—19

Allen	Dole	Mundt
Allott	Dominick	Proxmire
Bellmon	Fannin	Smith, Maine
Bennett	Goldwater	Thurmond
Byrd, Va.	Hansen	Williams, Del.
Cotton	Hruska	
Curtis	Jordan, Idaho	

NAYS—53

Aiken	Harris	Pell
Bayh	Hart	Percy
Bible	Hatfield	Prouty
Boggs	Holland	Randolph
Burdick	Hollings	Ribicoff
Byrd, W. Va.	Hughes	Schweiker
Case	Inouye	Scott
Church	Jordan, N.C.	Smith, Ill.
Cook	Kennedy	Spong
Cooper	Long	Stennis
Cranston	Mansfield	Stevens
Eagleton	McGee	Symington
Ellender	McIntyre	Talmadge
Fong	Metcalf	Tydings
Fulbright	Mondale	Williams, N.J.
Goodell	Muskie	Yarborough
Griffin	Nelson	Young, Ohio
Gurney	Pastore	

NOT VOTING—28

Anderson	Jackson	Murphy
Baker	Javits	Packwood
Brooke	Magnuson	Pearson
Cannon	Mathias	Russell
Dodd	McCarthy	Saxbe
Eastland	McClellan	Sparkman
Ervin	McGovern	Tower
Gore	Miller	Young, N. Dak.
Gravel	Montoya	
Hartke	Moss	

So the modified amendment of Mrs. SMITH of Maine was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

MILITARY PROCUREMENT AUTHORIZATION BILL, 1970

Mr. STENNIS. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on S. 2546.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for the procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; which was, strike out all after the enacting clause, and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army $570,400,000; for the Navy and the Marine Corps, $2,391,200,000; for the Air Force, $4,002,200,000.

MISSILES

For missiles: for the Army, $780,460,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,486,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,591,500,000: *Provided*, That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended after January 1, 1970, for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least three different United States shipbuilders.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $195,200,000; for the Marine Corps, $37,700,000: *Provided*, That none of the funds authorized herein shall be utilized for the procurement of Sheridan Assault vehicles (M–551) under any new or additional contract.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,664,500,000, of which (a) $10,000,000 is authorized to be appropriated only for the development of the Heavy Lift Helicopter and (b) $75,000,000 is authorized to be appropriated only for the development of the SAM–D system: Provided, That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the Cheyenne helicopter;

For the Navy (including the Marine Corps), $1,990,500,000, of which (a) $66,091,000 is authorized to be appropriated only for the development of the E–2C aircraft, (b) $165,400,000 is authorized to be appropriated only for the development of the S–3A aircraft, (c) $20,000,000 is authorized to be appropriated only for the development of the Undersea Long-range Missile System, (d) $67,900,000 is authorized to be appropriated only for the development of the Advanced Surface Missile System, and (e) $517,300,000 is authorized to be appropriated only for the research and development of Anti-Submarine Warfare Systems;

For the Air Force, $3,241,200,000, of which (a) $15,000,000 is authorized to be appropriated only for the development of the RF–111D aircraft, (b) $1,000,000 is authorized to be appropriated only for the development of the Light Intratheater Transport aircraft, (c) $18,500,000 is authorized to be appropriated only for the development of the CONUS Air Defense Interceptor, (d) $84,700,000 is authorized to be appropriated only for the development of the Short Range Attack Missile (SRAM), and (e) $40,000,000 is authorized to be appropriated only for the development of the Airborne Warning and Control System (AWACS): Provided, That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the A–X aircraft; and

For the Defense Agencies, $450,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $75,000,000.

SEC. 203. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 393,298.

(2) The Army Reserve, 255,591.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,624.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 303. Section 264 of title 10, United States Code, is amended by deleting subsection (b) and substituting the following in lieu thereof:

"(b) The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Selected Reserve of the Reserve components under this jurisdiction to satisfy the mobilization readiness requirements established for those units and Reserves in the contingency and war plans approved by the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy. He shall, when a unit in the Selected Reserve is established and designated, expeditiously procure, issue, and maintain supplies and equipment of combat standard quality in amounts required for the training of each unit and shall store and maintain such additional supplies and equipment of that quality that are required by those units upon mobilization. However, if the Secretary concerned determines that compliance with the preceding provisions of this subsection will jeopardize the national security interests of the United States, he may temporarily waive compliance with these requirements after he has notified Congress in writing, setting forth the specific facts and circumstances upon which he made such a determination. Unless specifically authorized by law enacted after the effective date of this section, funds authorized for personnel, supplies, equipment and facilities for a Reserve component may not be transferred or expended for any other purpose."

SEC. 304. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

In the last line of the last sentence of subsection (c) after the word "within", change the figures "60" to "90".

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37) as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

SEC. 402. After January 1, 1970, no contract or grant for Research and Development projects shall be awarded by the Department of Defense or any of the Armed Forces to any school, college or university or to any affiliated organization of such school, college or university, or to an individual in the employment of such school, college or university or its affiliated organization until sixty days after a full disclosure of the purposes, cost, and duration of such contract together

with a statement setting forth in detail the number of research and development projects already awarded to that institution but not yet completed; the dollar amount of each said contract; the purpose of each of the contracts previously awarded; and for the contract or grant for which the notice is being given, a description of the facilities required to perform the research project, the cost of such facilities, a statement of whether such facilities are in existence and if so, a description of the ownership of such facilities, is made to the President of the Senate and Speaker of the House of Representatives. In addition, such notification will include a statement summarizing the record of the school, college or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus.

SEC. 403. Title 10, United States Code, is amended as follows:

(1) Section 3015(c) is amended to read as follows:

"(c) The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time and may not hold that office after he becomes sixty-four years of age. He is eligible to succeed himself. An officer now or hereafter serving as Chief of the National Guard Bureau shall be appointed as a Reserve in his armed force in the grade of lieutenant general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as the Chief of the National Guard Bureau. The position of Chief of the National Guard Bureau is in addition to the number of lieutenant general positions authorized by section 3066, 3202, 8066, or 8202 of this title, or any other provisions of law."

(2) Section 3962 is amended by adding the following new subsection:

"(d) Upon retirement or being granted retired pay, a reserve commissioned officer of the Army who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade."

(3) Section 8962 is amended by adding the following new subsection:

"(c) Upon retirement or being granted retired pay, a reserve commissioned officer of the Air Force who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade."

(4) The catchlines of section 3962 and 8962 are each amended by deleting ": regular commissioned officers."

(5) The analysis of chapter 369 is amended by striking out "regular commissioned officers" in item 3962.

(6) The analysis of chapter 869 is amended by striking out "regular commissioned officers" in item 8962.

Section 3019, Title 10, United States Code is amended to read as follows:

"(c) The Chief, Office of Army Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Army Reserve, shall be appointed in the grade of lieutenant general for service in the Army Reserve while serving as the Chief, Office of Army Reserve. The position of Chief, Office of Army Reserve is in addition to the number of lieutenant general positions authorized by section 3066 or 3202 of this title, or any other provision of law."

Section 8019, Title 10, United States Code is amended to read as follows:

"(c) The Chief, Office of Air Force Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Air Force Reserve, shall be appointed in the grade of lieutenant general for service in the Air Force Reserve while serving as the Chief, Office of Air Force Reserve. The position of Chief, Office of Air Force Reserve is in addition to the number of lieutenant general positions authorized by section 8066 or 8202 of this title, or any other provision of law."

SEC. 404. (a) Section 136 of title 10, United States Code, is amended—

(1) by inserting after the first sentence in subsection (b) the following new sentences: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of Defense.", and

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

"(g) Within the Office of the Assistant Secretary of Defense for Health Affairs there shall be a Deputy Assistant Secretary of Defense for Dental Affairs who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. Subject to the supervision and control of the Assistant Secretary of Defense for Health Affairs, the Deputy Assistant Secretary shall be responsible for all matters relating to dental affairs within the Office of the Assistant Secretary of Defense for Health Affairs."

(b) Until otherwise provided by operation of law, the individual holding office as the Deputy Assistant Secretary of Defense (Health and Medical) on the effective date of this section shall perform the duties of the Office of the Assistant Secretary of Defense for Health Affairs established by this section.

SEC. 405. Section 412(b) of Public Law 86–149, as amended, is amended to read as follows:

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other vehicles, weapons, and munitions, unless the appropriation of such funds has been authorized by legislation enacted after such dates."

SEC. 406. (1) Chapter 7 of title 37, United States Code, is amended as follows:

(a) The following new section is inserted after section 427:

"§ 428. Travel and transportation allowances: dependents at permanent station outside United States

"Under regulations prescribed by the Secretaries concerned, which shall be, as far as practicable, uniform for all of the uniformed services, a member of a uniformed service who is on duty outside the United States at a permanent station, and when such benefits are not made available in kind by the United States, is entitled to a travel and transportation allowance, to assist in providing transportation for his dependents who are authorized to accompany him, as follows:

"(1) A travel and transportation allowance is authorized to meet the travel expenses of the dependents of a member to and from a school in the United States to obtain an undergraduate college education, not to exceed one round trip each school year for each dependent for the purpose of obtaining such type of education. All or any portion of the travel for which a transportation allowance is authorized by this section will be performed wherever possible by the Military Airlift Command on a space-required basis. Notwithstanding the area limitations in this section, a travel and transportation allowance for the purpose of obtaining undergraduate college education may be authorized under this clause for dependents of members stationed in the Canal Zone.

"(2) The term 'United States' shall, for the purpose of this section, mean the several States, the District of Columbia, Puerto Rico, and the Canal Zone.

"(3) The words 'permanent station' shall, for the purpose of this section, include the home yard or home port of a vessel to which a member of a uniformed service may be assigned.

"(4) Notwithstanding section 401(2)(A) of this title, 'dependent' in this section may include an unmarried child over twenty-one years of age who is in fact dependent and is obtaining an undergraduate college education."

(b) The analysis is amended by inserting the following item:

"Sec. 428. Travel and transportation allowances: dependents at permanent station outside the United States."

(2) Section 912 of title 26, United States Code, is amended by adding the following new paragraph at the end thereof:

"(4) EDUCATION TRANSPORTATION ALLOWANCE.—In case of a member of a uniformed service, amounts received under section 428 of title 37, United States Code."

SEC. 407. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

"SEC. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

SEC. 408. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of such funds exceeds $45,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

SEC. 409. Notwithstanding any other provision of law, an officer of an armed force who—

(1) served as Chairman of the Joint Chiefs of Staff;

(2) after he was retired, but before October 1, 1963, was ordered to active duty; and

(3) was released from that active duty after July 31, 1969;

shall, effective as of the date he was released from that active duty, be entitled to retired pay computed under the formula set forth in the table in section 1402(a) of title 10, United States Code, but using the monthly

basic pay prescribed at the time of his release from that active duty for an officer serving in pay grade O–10. The provisions of this paragraph do not affect or modify any prior commitment made by such officer in regard to participation in the Retire Serviceman's Family Protection Plan.

(a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six month period for Research, Development, Test and Evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for (1) the transportation of any lethal chemical or biological warfare agent to or from any military installation in the United States, or (2) the open air testing of any such agent within the United States, unless—

(A) the Secretary of Defense (hereafter referred to in this section as the "Secretary") considers that the transportation or testing proposed to be made is necessary in the interests of national security;

(B) the Secretary advises the Secretary of Health, Education, and Welfare of the particulars regarding the proposed transportation or testing;

(C) the Secretary of Health, Education, and Welfare reviews such particulars with respect to any hazards to health and safety which such transportation or testing may pose, and reports his findings, together with any precautionary measures that he recommends be taken to avoid or minimize such hazards, to the Secretary;

(D) the Secretary considers the findings and recommendations made by the Secretary of Health, Education, and Welfare under paragraph (C) and takes such action consonant therewith as he deems appropriate (including, where practical, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal); and

(E) the Secretary provides notification that such transportation or testing will be made to the Armed Services Committees of the Senate and House of Representatives at least ten days before the date on which such transportation or testing will be commenced.

(c)(1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the deployment, or storage, or both, at any place outside of the United States of—

(A) any lethal chemical or biological warfare agent, or

(B) any delivery system specifically designed to disseminate any such lethal agent, unless the Secretary gives prior notice of such deployment or storage to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.

(2) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any lethal chemical or biological warfare agent outside the United States if the Secretary of State, after being notified by the Secretary that such action is contemplated, determines that such testing, development, transportation, storage, or disposed will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives, and to all appropriate international organizations, or organs thereof, whenever so required by treaty or other international agreement.

(d) Unless otherwise indicated, as used in this section the term "United States" means the several States, the District of Columbia, and the territories and possessions of he United States.

(e) After the effective date of this bill, the operation of this section, or any portion thereof, may be suspended during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President.

And, amend the title so as to read: "An Act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes."

Mr. STENNIS. Mr. President, I move that the Senate disagree to the amendments of the House on S. 2546 and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. STENNIS, Mr. RUSSELL, Mr. SYMINGTON, Mr. JACKSON, Mr. CANNON, Mr. MCINTYRE, Mrs. SMITH of Maine, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK conferees on the part of the Senate.

THE JOHN F. KENNEDY CENTER

The Senate resumed the consideration of the bill (H.R. 11249) to amend the John F. Kennedy Center Act to authorize additional funds for such center.

The PRESIDING OFFICER. The bill is open to amendment.

Mrs. SMITH of Maine. Mr. President, I send to the desk an amendment on behalf of myself, the Senator from Arizona (Mr. GOLDWATER), and the Senator from Alabama (Mr. ALLEN), and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, insert the following new section:

"SEC. 2. No part of the increased amount of funds authorized to be appropriated by subsection (a) of the first section may be expended until after the Comptroller General of the United States (1) has completed a comprehensive investigation of the past and projected costs of constructing the John F. Kennedy Center for the Performing Arts and its parking facilities, and (2) has submitted a report, together with his recommendations, of such investigation to the Congress, and (3) such report states that the Center and parking facilities can be completed as provided by the plans and specifications with the funds made available by this Act together with other funds or materials in the possession of the Trustees.

"(b) The Comptroller General shall submit his report to the Congress not later than sixty days after the date of enactment of this Act."

Mrs. SMITH of Maine. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Maine is recognized.

Mrs. SMITH of Maine. Mr. President, the principal opponents to this amendment, the Senate Trustees on the Kennedy Center, have both stated that the borrowing authority is the critical and crucial factor. That is the contention of both the Senator from Illinois (Mr. PERCY) and the Senator from Arkansas (Mr. FULBRIGHT).

As far as I can recall, no one has objected to an investigation by the Comptroller General, and everyone has acknowledged that the appropriations for the proposed $7.5 million contribution by the Federal Government will have to be provided later by a supplemental appropriation bill, which would not be passed before the end of the year or the early part of next year—and not before the Comptroller General could have made an investigation and report.

Thus, the only basic argument made against the Smith-Goldwater-Allen amendment is the claim that a restriction on the borrowing authority would cause delay. No contention is made with respect to the restriction placed on the proposed $7.5 million appropriation.

This being the case, I am offering this second amendment, which strikes from the first amendment the restriction with respect to the borrowing authority and specifically strikes that phrase which states:

And no part of the increase in authority from the treasury under subsection (b) of such section may be used.

Thus, this amendment meets the objections raised to my first amendment and I simply cannot see why anyone would oppose this second amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, will the distinguished Senator from Maine yield me 3 minutes?

Mrs. SMITH of Maine. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. ALLOTT. Mr. President, I support the distinguished Senator from Maine on the pending amendment.

As has been pointed out during the course of the recent debate upon the military procurement bill, numerous amendments were offered to do the same thing and call for the GAO to make military judgments for which it has no qualifications.

The pending amendment is different from the first amendment offered by the distinguished Senator from Maine in that it leaves the borrowing authority in the bill and would not stop the construction. I am relying upon the statements made

by the Senators in charge of the bill on the floor with respect to that.

Mr. President, I hope that we will remember in voting upon the pending amendment that the monument was intended to be a national cultural center and that, due to the great tragedy which struck our President, it was later named the John F. Kennedy Center.

I am sure that everyone here wishes that that tragedy had never happened. However, the subject under discussion should not be judged upon a partisan basis. No one should think of this in the sense that a vote in support of the pending amendment is made on a political basis.

I pointed out last week the numerous overruns that we have had on Government construction. This overrun by all accounts, judging from the testimony and the record in the Senate, is an atrocious, deplorable, and even a shameful record.

If the pending amendment will do nothing else than to straighten up the procedures of contracting authorities for our Government, it will be worth 10 times the amount of time spent on it. And it would be the greatest service anyone could render for our Government.

I would hope that with respect to the pending amendment—and, according to the sponsors of the bill, they cannot do without the loan authority, but they can temporarily do without the other—we would give them this loan authority and send this matter to the GAO. Hopefully, we would find some answers to the overruns and overcosts that have been afflicting Government construction.

I support the pending amendment offered by the distinguished Senator from Maine.

Mr. FULBRIGHT. Mr. President, will the Senator yield me 3 minutes?

Mr. JORDAN of North Carolina. Mr. President, I yield 3 minutes to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the purpose of the amendment offered by the distinguished Senator from Maine has already been served by the letter from the chairman of the Public Works Committee. The Senator from West Virginia (Mr. RANDOLPH) announced prior to the last vote that he had already addressed a letter to the Comptroller General, Mr. Staats, requesting that a study be made of this project and that he report back in 60 days.

It seems to me that the pending amendment is entirely superfluous and that in view of the letter from the chairman of the Public Works Committee there is not the slightest doubt that the study will be made.

I have never heard of the Comptroller General's taking no action to honor a request from the chairman of the Public Works Committee.

The purpose, as I stated in the previous debate, is a proper one. If the Senator feels that they are to be trusted and would like to have the GAO make a further study, it is all right with me. It is all right with Mr. Stevens and the other trustees.

The GSA has been spending substantial time in supervising the project. The GSA has analyzed the increases in costs, and that information has been reported.

There is no secret about it. There has been no stealing or malfeasance comparable to some of the other instances we have recently been reading about from the other services. It is a matter of misjudgment, inflation, strikes, and things of that kind.

One case of misjudgment involved in estimates concerned the amount of steel to be used in the building.

The purpose of the pending amendment is already served by the request of the chairman of the Public Works Committee. The effect of agreeing to the pending amendment would be to duplicate that request and cause further delay. A conference would have to be held. And we would have to spend another day or two on the matter. This is the second day we have spent in the Senate on the matter. Perhaps other Senators may not have anything to do at the moment, but I have other things I would rather do than spend another day on this matter when it has already been taken care of by the letter from the chairman of the Public Works Committee.

I hope that the amendment will be rejected.

Mr. GOLDWATER. Mr. President, will the Senator yield me 3 minutes.

Mrs. SMITH of Maine. Mr. President, I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 3 minutes.

Mr. GOLDWATER. Mr. President, during the course of the debate on the previous amendment, I gathered that the opponents had no objection to an amendment of this type. They recognize that the appropriations bill is not ready and that the delay they fear will come, regardless of what we do this afternoon now that the borrowing authority is guaranteed, will be time during which the appropriations bill will be considered. It seems that all that the proponents of the bill were asking for was the guarantee of the borrowing authority.

I see no reason why we cannot vote favorably on the pending amendment.

With all due deference to the chairman of the Public Works Committee and his letter, I remember the argument offered with respect to other letters from committee chairmen to the GAO that the letters were not sufficient and that there should be action taken on the floor of the Senate.

I do not think this action will slow down the request of the distinguished Senator from West Virginia. I think it will help it, because it will show the GAO that it has the force, if there be any force, of the Senate behind it.

I hope that the Senators who opposed the prior amendment because of the fear that they would not have borrowing authority, will vote for the pending amendment. The pending amendment provides the borrowing authority and provides that Federal funds cannot be spent until the GAO has furnished a report.

I do not think it would hurt to have the Senate express its opinion to the GAO that they get on with the project.

I intend to support the amendment of the Senator from Maine. I hope that a majority of the Senate will do likewise.

Mr. JORDAN of North Carolina. Mr. President, I agree with part of what the distinguished Senator from Maine had to say.

My chief objection to the amendment, which I will have to ask that the Senate reject, is that it would throw the bill into conference. That could take 2 or 3 weeks' time. Both the House and the Senate would have to pass the bill, and we would wind up with what we are afraid might happen with respect to the contracts.

I have to oppose the amendment.

Mrs. SMITH of Maine. Mr. President, I have great respect for the chairman of the Public Works Committee, the distinguished Senator from West Virginia, and for the able Senator from North Carolina who is handling the bill. I certainly appreciate the chairman's willingness to send a letter to the GAO requesting such information as I have been trying to obtain.

I can see no reason why we should not have such expressions made to the Senate and to the House of Representatives.

I ask the distinguished Senator from Arkansas what possible objection he could have to the report coming to the House of Representatives and to the Senate and have it considered by the Senate and the House rather than through a single committee.

Mr. FULBRIGHT. Mr. President, the question concerns whether the request by the chairman of the Public Works Committee is to make a report to the Senate?

Mrs. SMITH of Maine. What objection is there to asking for the report to be made to the Senate as a whole rather than to the committee alone?

Mr. FULBRIGHT. I have always regarded a committee of the Senate as an agent of the Senate, and a report to the committee is a report to the Senate. That is true in my own committee. The report that the chairman of the Committee on Public Works will receive, I am quite sure, will be available to the Senate.

As I said earlier, there is no objection to the GAO making this report. An amendment to the bill is not required to get that study. The chairman has already ordered it. The only effect of the Senator's amendment above the letter would be to cause a conference—I mean, the only objection is to cause us to have a conference with the House. That means getting together, as the Senator knows, with conferees, which sometimes can be done quickly, and sometimes it takes a long time to do. That would seem to me to be an unnecessary amount of effort and work.

I do not know why the Senator would not be satisfied with a report of Mr. Staats to the Committee on Public Works, which would be available to the entire Senate. That is not a private domain. It is a part of the Senate and is available to all Members of the Senate, as all records of my committee are available to the Senate, because the Committee on Foreign Relations is simply a creature of the Senate.

I do not see what purpose is served by putting it in the bill.

Mrs. SMITH of Maine. I would ask

the distinguished Senator from Arkansas, Is it not possible for the House to accept this without going to conference, and does he not think that, with 162 votes over there, there might be just as much interest in the House in such a report as there is in the Senate?

Mr. FULBRIGHT. I do not know. I cannot speak for the House.

The Senator, I believe, is a member of the Appropriations Committee. In any case, I am quite certain that the report asked for by the chairman of the Committee on Public Works will be available to the Appropriations Committee, if the Appropriations Committee itself does not ask for it. But I am quite sure it will be available. If it is not, I will guarantee that it is available. There will certainly be no question about it being available. If there is any question about that, if the Senator thinks there is any need for it, I am sure other Senators will back up Senator RANDOLPH'S request for the report.

I do not think there is the slightest doubt that the Senator from Maine can get the report from the GAO. That is what they are there for.

I do not have objection to the substance of it. I do think that we have spent so much time on this, it is rather a shame to go into conference and then come back to the Senate and the House for further votes on a matter that I think can be handled by the letter from the distinguished Senator from West Virginia.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Does the Senator from Maine yield back the remainder of her time?

Mrs. SMITH of Maine. Not at the moment.

Mr. JORDAN of North Carolina. I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. I should like to indicate, Mr. President, why I hope this amendment will be defeated.

I have now served for 2½ years on this Board. I have not been privy to all the decisions that were made previously, but I have seen the decision process that the Board goes through now. I have spent a great many hours trying to raise private funds—and have been successful in that endeavor—because I think we have an obligation, as trustees, to work everlastingly to fulfill our matching pledge. But in any kind of enterprise such as this, whenever there is an atmosphere of uncertainty and confusion, it detracts from the capability to go ahead to obtain private donations. I cannot go to private donors and say to them, "Will you contribute?" If there is 60-day or a 90-day or whatever period of time delay on the project.

I do not see how the music director can commit artists; I do not see how they can plan their schedules; I do not see how they can conscientiously make any commitments; if there is an uncertainty about this project.

I would simply like to put this question to the Senator from Maine: Assuming that there may be certain end results that come from this study, what would the Senator from Maine then have us do, as Trustees, in the light of those findings? What, for example, if, at the end of the 60 days, GAO has determined that everything has been revealed and told, that the facts are exactly as reported to the respective committees of the House and the Senate. What if they certify the exactness of those facts and that the deficiencies or the overages occurred because of the reasons stated in these reports? What then would we have accomplished by this 60-day delay?

Mrs. SMITH of Maine. I would have no objection to their coming back and giving us the exact information that we have had, if it was more thoroughly explained. I am not satisfied that we have had a complete clarification of the expenditures and the decisions that have been made. I think the distinguished Senator from Illinois would have a far better chance of getting contributions, if he could give the straight picture to his contributors, than he has today, with the suspicion that surrounds it.

I am for cleaning it up. I am not for stopping the building. I have been for a cultural center long before the Senator came to Washington, and I shall continue to be; but I want to know where the money is coming from, where it is going, and how much more money they are going to ask for; and I would have them not come back again and again, asking for more money, unless we know ahead of time what it is going to be for.

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

Who yields time?

Mr. PERCY. May I have 2 minutes?

Mrs. SMITH of Maine. I am glad to yield the 2 minutes I took.

Mr. PERCY. Once again, I think we have tried, as clearly as we can, to state that this is the last time that the Senate will be approached for construction funds. In fact, if the directors of the administration said they wanted us to come back and ask for funds, I, for one, would refuse. I feel that my colleague on the other side of the aisle might also refuse to be associated with that request.

We know what the funds are for. We have a detailed itemization of every expense. Even if the GAO came back and said there were mistakes, if they came back and said there was negligence, if they came back with a reiteration of what should have been done, with 20/20 vision in hindsight, I again ask, what would be accomplished by such revelations, other than to admonish those who have made mistakes? We cannot go back and undo those mistakes. We can benefit in the future. The very report that is asked for in this amendment is being initiated now. It was asked for in September by the House. That report has been requested not only of the Justice Department to determine the fault for the delays but also of the GAO to determine the certification required for every expenditure that has taken place and every proposal and plan that has been laid out.

Thus, I cannot really see what we are accomplishing by this delay, other than adding to confusion and uncertainty. And whenever we have those, we have added unnecessary cost.

We would like to finish this building, get it done with, and to remove every excuse that might exist for not keeping the program right on schedule.

Mrs. SMITH of Maine. Mr. President, would not the distinguished Senator agree with me that we would have accomplished a great deal if the future expenditures could benefit by the past mistakes?

Mr. PERCY. If I may reply, I would like to think that we have benefited a great deal as a result of the interrogation of our defense expenditures. But I have not the slightest doubt that we are going to have revealed time and time and time again waste and extravagance and duplication and inefficiency in military expenditures. It is different people; it is different circumstances; it is different projects; it is different contracts.

I commend the Senator for having this debate. I think it has been exceedingly valuable. I think it is very good, indeed, to bring the facts forward so we can see why we need more money than we originally thought we would need 4 or 5 years ago. I do not think this is the kind of appropriation that should be put through without debate, and I think the distinguished Senator has added greatly. But, having made the point, let us get the facts on the table. I now would hate to see us take a step that would cost us a great deal of money and a great deal of confusion and create a great deal of uncertainty, in order to accomplish something that I do not think will yield anything more than the debate to date has yielded.

Mrs. SMITH of Maine. Mr. President, I ask the Senator from Illinois if I correctly understood him to say that he is committing himself not to come back to Congress for any further appropriations.

Mr. PERCY. I am, without any equivocation or any qualifications, committing myself, as a Trustee to resign before I would come back to Congress for funds for construction purposes to finish this building, I would be strongly disappointed in the officers and directors who have presented these representations to us if these representations prove incorrect. In their testimony before this committee, the cognizant chief executive officer of the Center and his directors certified that they will not come back for any further construction funds. I think that is all I could say on this matter.

Mrs. SMITH of Maine. Does the Senator say he would oppose such a request?

Mr. PERCY. Without any hesitation I would oppose any attempt by the head of the Center to come back to Congress for construction funds to finish the building in accordance with the present design.

Mrs. SMITH of Maine. It is clear that the Senator is speaking for one Trustee. I would ask if other Trustees in the Senate would want to say anything on this subject. I would like to ask the Senator from Arkansas if he has anything to say for the other Trustees.

Mr. FULBRIGHT. I do not think it is very appropriate for me to be making private deals with the Senator from Maine. I have already made my position

clear. The President might take it into his head to freeze this matter next week and then it might be 5 years before it was resumed; and then what would be the situation?

Can the Senator assure us that this is to proceed as planned; or that there will be no escalation of war; or that we will not resume bombing next week; or that prices will not double next week?

I do not feel like making such commitments on the floor of the Senate because I do not know what will happen. All I do know is that this project has been managed with good sense. We used the GSA, which is the agency designated for the supervision of public buildings. I do not think there has been any malfeasance or any stealing of money as is alleged to have happened in connection with noncommissioned officers' clubs in Germany or around the world. There is no such allegation in connection with this project. There may have been some misjudgment because they could not foresee the inflation we are experiencing.

Mrs. SMITH of Maine. This is a public debate in which we are discussing public questions. It is not a private deal in any respect.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield back the remainder of my time.

Mrs. SMITH of Maine. I yield back the remainder of my time.

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

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON) and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Alabama (Mr. SPARKMAN) would each vote "nay."

I also announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senators from New York (Mr. JAVITS and Mr. GOODELL, the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOPER), the Senator from Nebraska (Mr. CURTIS), and the Senator from North Dakota (Mr. YOUNG), are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), and the Senator from Kentucky (Mr. COOPER), would each vote "nay."

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from Tennessee (Mr. BAKER). If present and voting, the Senator from Iowa would vote "yea," and the Senator from Tennessee would vote "nay."

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Delaware (Mr. BOGGS). If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Delaware would vote "nay."

On this vote, the Senator from Oregon (Mr. PACKWOOD) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Oregon would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Ohio (Mr. SAXBE). If present and voting, the Senator from Texas would vote "yea," and the Senator from Ohio would vote "nay."

The result was announced—yeas 21, nays 47, as follows:

[No. 113 Leg.]

YEAS—21

Aiken	Cotton	Hruska
Allen	Dole	Jordan, Idaho
Allott	Dominick	Mundt
Bellmon	Fannin	Proxmire
Bennett	Goldwater	Smith, Maine
Byrd, Va.	Hansen	Thurmond
Byrd, W. Va.	Hatfield	Williams, Del.

NAYS—47

Bayh	Hughes	Prouty
Bible	Inouye	Randolph
Burdick	Jordan, N.C.	Ribicoff
Case	Kennedy	Schweiker
Church	Long	Scott
Cook	Mansfield	Smith, Ill.
Cranston	Mathias	Spong
Eagleton	McGee	Stennis
Ellender	McIntyre	Stevens
Fong	Metcalf	Symington
Fulbright	Mondale	Talmadge
Griffin	Muskie	Tydings
Gurney	Nelson	Williams, N.J.
Hart	Pastore	Yarborough
Holland	Pell	Young, Ohio
Hollings	Percy	

NOT VOTING—32

Anderson	Gore	Montoya
Baker	Gravel	Moss
Boggs	Harris	Murphy
Brooke	Hartke	Packwood
Cannon	Jackson	Pearson
Cooper	Javits	Russell
Curtis	Magnuson	Saxbe
Dodd	McCarthy	Sparkman
Eastland	McClellan	Tower
Ervin	McGovern	Young, N. Dak.
Goodell	Miller	

So the amendment of Mrs. SMITH of Maine was rejected.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 11249) was ordered to a third reading, and was read the third time.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Alabama (Mr. SPARKMAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOPER), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Vermont (Mr. PROUTY), and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Tennesseee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOPER), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from Iowa (Mr. MILLER, the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) will each vote "yea."

The result was announced—yeas 62, nays 3, as follows:

[No. 114 Leg.]

YEAS—62

Aiken	Hansen	Pastore
Allott	Hart	Pell
Bayh	Hatfield	Percy
Bennett	Holland	Proxmire
Bible	Hollings	Randolph
Burdick	Hruska	Ribicoff
Byrd, Va.	Hughes	Schweiker
Byrd, W. Va.	Inouye	Scott
Case	Jordan, N.C.	Smith, Maine
Church	Jordan, Idaho	Smith, Ill.
Cook	Kennedy	Spong
Cotton	Long	Stennis
Cranston	Mansfield	Stevens
Dole	Mathias	Symington
Dominick	McGee	Talmadge
Eagleton	McIntyre	Thurmond
Fannin	Metcalf	Tydings
Fong	Mondale	Williams, N.J.
Fulbright	Mundt	Yarborough
Griffin	Muskie	Young, Ohio
Gurney	Nelson	

NAYS—3

Allen	Bellmon	Williams, Del.

NOT VOTING—35

Anderson	Goodell	Montoya
Baker	Gore	Moss
Boggs	Gravel	Murphy
Brooke	Harris	Packwood
Cannon	Hartke	Pearson
Cooper	Jackson	Prouty
Curtis	Javits	Russell
Dodd	Magnuson	Saxbe
Eastland	McCarthy	Sparkman
Ellender	McClellan	Tower
Ervin	McGovern	Young, N. Dak.
Goldwater	Miller	

So the bill (H.R. 11249) was passed.

Mr. JORDAN of North Carolina. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the joint resolution (H.J. Res. 851) to request the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

CONVEYANCE TO THE CITY OF CHEYENNE, WYO., CERTAIN REAL PROPERTY OF THE UNITED STATES HERETOFORE DONATED TO THE UNITED STATES BY SUCH CITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 422, S. 1718. I do this so that it will become the pending business.

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

The BILL CLERK. A bill (S. 1718) to provide the conveyance to the City of Cheyenne, Wyo., of certain real property of the United States heretofore donated to the United States by such city.

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 1, line 5, after the word "Wyoming," insert "for park and recreation purposes"; and, on page 3, after line 7, insert a new section, as follows:

SEC. 3. The conveyance authorized by this Act shall contain the express provision that in the event the property conveyed ceases to be used for park and recreation purposes, all right, title, and interest therein shall immediately revert to the United States.

So as to make the bill read:

S. 1718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall, without monetary consideration therefor, convey to the city of Cheyenne, Wyoming, for park and recreation purposes, all right, title, and interest of the United States in and to the real property described in section 2 of this Act, comprising a portion of a tract of land containing approximately six hundred acres heretofore donated to the United States by such city as a site for a Veterans' Administration hospital, which portion has been declared excess to the needs of the Veterans' Administration.

SEC. 2. The real property referred to in the first section of this Act is more particularly described as follows:

PARCEL "D"

Beginning at point which bears north 00 degrees 36 minutes west, a distance of 40 feet;

thence north 89 degrees 36 minutes east, a distance of 2,099.37 feet from the southwest corner of section 28, township 14 north, range 66 west, sixth principal meridian, Laramie County, Wyoming. Said point of beginning lying on the small north right-of-way boundary of Pershing Boulevard;

thence north 00 degrees 27 minutes west, a distance of 1,486.25 feet to a point;

thence north 45 degrees 46 minutes west, a distance of 282.24 feet to a point;

thence north 45 degree 40 minutes 30 seconds west, a distance of 42.20 feet to a point;

thence north 89 degrees 31 minutes east, a distance of 930 feet to a point;

thence south 00 degrees 14 minutes east, a distance of 1,715.75 feet to a point lying on the north right-of-way boundary of Pershing Boulevard;

thence south 89 degrees 36 minutes west along the northern boundary of Pershing Boulevard, a distance of 692.75 feet to the point of beginning; said parcel lying within the south half of section 28 and containing 28.01 acres, more or less.

SEC. 3. The conveyance authorized by this Act shall contain the express provision that in the event the property conveyed ceases to be used for park and recreation purposes, all right, title, and interest therein shall immediately revert to the United States.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise for the purpose of inquiring of the distinguished majority leader what will be on the calendar following the consideration of the bill just laid before the Senate.

Mr. MANSFIELD. Mr. President, it is not at all certain that we will get to the consideration of S. 1718, but on the off chance that the objections raised by the distinguished Senator from Wisconsin (Mr. PROXMIRE) can be resolved between him and the Senator from Wyoming, it is hoped that we will be able to accommodate ourselves to the passage of that bill; and the same would apply to Calendar No. 339, H.R. 9946, in which the distinguished Senator from North Carolina (Mr. JORDAN) has an interest.

It is the intention of the leadership—and this has been decided on by the joint leadership—that tomorrow we will proceed to the consideration of Calendar No. 346, S. 7, a bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Following the disposition of the water pollution control bill, it is the intention of the joint leadership to call up Calendar No. 424, H.R. 12829, an act to provide an extension of the interest equalization tax, and for other purposes.

That, I think, is enough for the time being. We will get to other matters, including hopefully the Eisenhower dollar proposal, the OEO authorization bill, and other proposals in the not too distant future.

Mr. SCOTT. I thank the majority leader. I have a special interest in the Eisenhower dollar, since it is my amendment, and I should like to have one of the first ones.

Mr. MANSFIELD. I, too, have an interest, may I say. I should like to see at least 40-percent silver used in the dollar, and I would hope my distinguished colleage, the minority leader, would see things in that light also, so that we might have a sound dollar.

Mr. SCOTT. May I say that the distinguished majority leader may yet find that the minority leader has a heart of gold, especially where silver is concerned.

CBW AND DISARMAMENT

Mr. PELL. Mr. President, I believe now is a propitious time for the United States to take a new initiative to establish an international agreement for the control of chemical and biological weapons programs.

On September 19, Soviet Foreign Minister Andrei Gromyko outlined the proposal of the Soviet Union to prohibit the development, production and stockpiling of chemical and biological weapons.

Five weeks ago the Senate, by a vote of 91 to 0 in favor of amendments offered by myself and others for control of the American chemical and biological warfare—CBW—program, indicated its

strong dissatisfaction with the way in which the executive branch has operated the CBW program.

Across the country and around the world there has been a common feeling of revulsion when the public has been confronted by the news media with the realities of chemical and biological weapons.

While I would agree that it is unfortunate that the Russians did not address the question of inspection in their proposal, I do not think that omission is sufficient reason for the United States not to at least begin discussion with Russia as to alternative means by which chemical and biological disarmament can be accomplished.

The importance of the United States taking the initiative at this time is underlined by an editorial in the Saturday Review by the perceptive and articulate Mr. Norman Cousins, who played an important role in obtaining an agreement with Russia on nuclear testing. I ask unanimous consent to have Mr. Cousins' article printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. PELL. Mr. President, Mr. Cousins describes the steps which usually lead to the point at which arms control agreements become impossible:

> First, the scientists declare a weapon is theoretically possible. Then there is alarm over reports that the Soviet Union is secretly planning to develop new weaponry.

And the Department of Defense declares that it cannot take the responsibility for the security for the United States "unless it is given complete authority to develop appropriate new counter weapons, whatever the costs, whatever the implications."

When an arms control agreement is proposed, "The statement is made that we must of course pursue the possibility of agreements but that such pursuit should not be allowed to interfere with the immediate and thoroughgoing development and manufacture of the new weapons. End of any possibility of arms control."

It is my sincere hope that the scenario of events following Russia's latest initiative will not fulfill the unfortunate sequence of events which Mr. Cousins believes is the usual pattern of American responses. However, the history of the United States' attitute toward chemical and biological weapons does not allow one much optimism.

Since 1899, when the United States failed to sign the Hague Declaration obliging countries to abstain from the use of asphyxiating or deleterious gases, the attitude of the United States toward chemical and biological weapons disarmament agreements has generally been to indicate support for the principles of disarmament while at the same time not becoming party to any effective specific agreements in this area.

At the Washington Conference on the Limitations of Armaments in 1922, the United States signed and ratified an agreement not to use asphyxiating, poisonous, or other gases in warfare. Unfortunately the treaty did not become effective because France did not ratify it.

In 1925, the United States signed the Geneva Protocol prohibiting the use in war of asphyxiating and poisonous gases and bacterial methods, but the Senate failed to ratify it.

Following World War II, the United States signed treaties with Italy, Bulgaria, Hungary, and Rumania in 1947, and with the Federal Republic of Germany in 1954, which contain restrictions on the development and storage of chemical and biological weapons. However, as of today the United States has agreements with numerous foreign countries including Germany and Italy for the exchange of data and information on chemical and biological weapons.

In 1962, the United States presented to the 18-Nation Committee on Disarmament at Geneva a proposal which called for the elimination of all stockpiles of chemical and biological weapons and for the cessation of production of all chemical and biological weapons of mass destruction, but to this date there has been no affirmative action on that proposal.

Last July, before the study established by President Nixon to form the basis for his position on CBW was completed, the Secretary of Defense, Melvin Laird, stated that the United States must maintain a chemical and biological weapons program in order to have a deterrent capability to respond in kind. The Secretary of Defense thus implied that the United States now not only considers chemical and biological weapons as tactical weapons but as strategic weapons, notwithstanding any Presidential review. I consider the Secretary of Defense's comments as an ominous symbol of the pattern of events Mr. Cousins believes we should avoid.

I would be less pessimistic about the future of the chemical and biological weapons disarmament effort if the United States would now take the initiative to establish an international agreement for the control of chemical and biological weapons programs encompassing the principles it has supported at Geneva in past years.

I would propose that the United States now demonstrate its willingness to limit the chemical and biological arms race by the announcement of a clear and unmistakable policy of restricting chemical and biological weapons stockpiles to present levels without further expansion. This action coupled with ratification of the 1925 Geneva Protocol, would serve as tangible evidence of our determination to push forward with the proposal put forth by the United States in 1962 at the 18-Nation Geneva Disarmament Conference. Moreover, I believe these actions would be an appropriate response to Mr. Gromyko's initiative.

The danger to the security and well-being of the people of the world is too great for the United States not to take immediate steps to restrict and control what Mr. Cousins describes as "Those Fiendish Vials."

EXHIBIT 1

[From the Saturday Review, Aug. 30, 1969]

THE FIENDISH VIALS

The Congress of the United States has been shocked by reports of shipments of poison gases, high-potency disease germs, and other chemical-biological weapons from one point to another within the United States, and has acted with indignation and unanimity to prevent further shipments within the country. Outside the country similar cries have gone up over the transport or storage of such weapons by the United States. It is possible that the Congress may feel that the concern of other nations in this matter warrants similar protective measures.

The Congress has identified the smallest part of the problem. The principal danger of these weapons is represented by their manufacture and possible use, and not by their deployment. The focus of Congressional attention should be on the existence of such devices and on what is required to abolish them altogether. For included in this arsenal and the arsenals of other nations, are aerosol sprays that cause the delicate nerve structure of the brain to deteriorate; a chemical substance so powerful that a speck of it no larger than a pencil point, when it touches human skin, can produce a massive heat attack; and viruses and disease germs so virulent that no known antibiotic or other therapeutic agent can prevent them from precipitating plagues over wide areas. It is the bulging and expanding existence of these horrors, rather than the possibility that an accident may cause some spillage, that should inflame the public sense of outrage.

Anyone who has read the recent U.N. report on chemical and bacteriological warfare knows that the fiendish vials that now abound in such large quantities throughout the world must not merely be kept free of the hazards of transportation, but must be eliminated altogether.

How does it happen that the American government is spending hundreds of millions of dollars each year on ways of creating and spreading incurable diseases? It has happened the same way thermonuclear weapons and ICBMs and now ABMs have "happened." First, the scientists declare a weapon is theoretically possible. Then there is alarm over reports that the Soviet Union is secretly planning to develop the new weaponry. We are told that the Department of Defense cannot take the responsibility for the security of the United States unless it is given complete authority to develop appropriate new counter-weapons, and then to pursue superiority, whatever the cost, whatever the implications.

What about the possibility of agreements with the Soviet Union aimed at bringing under control the more monstrous aspects of the world arms race? This race is being conducted in the name of national security, but is actually producing mutual insecurity, disfiguration of human values, and disruption or destruction of programs designed to enhance life and the conditions of life. What happens when such arms-control agreements are proposed has by now become something of a pattern. The statement is made that we must of course pursue the possibility of agreements but that such pursuit should not be allowed to interfere with the immediate and thoroughgoing development and manufacture of the new weapons. End of any responsibility of arms control.

This is not a uniquely American situation. In 1963, I had an opportunity to see the same scientific-military reflexes at work in the Soviet Union. President John F. Kennedy had asked me to undertake informal and unofficial talks with Soviet Chairman Nikita S. Khrushchev in an attempt to unsnarl the negotiations for a limited ban on nuclear testing. During the discussions, Mr. Khrushchev said he had been under mounting pressure from his scientists and generals to proceed with a full nuclear weapons program, for which unrestricted testing was mandatory. He said these scientists and generals claimed to have secret information that the United

States had ways of circumventing any agreement, and that the proposed test-ban treaty was only a ploy to open up the Soviet Union to expanded American espionage. He said that if he had to depend on his military people for reducing tensions between the United States and the Soviet Union, he would have only torches and thorns to work with.

The limited nuclear test ban is regarded by many contemporary historians as the most significant achievement in an otherwise almost unbroken series of escalating moves in the world arms race. Let it be noted that this particular treaty was passed by the U.S. Senate over the opposition of most of our military leaders.

And now the same men who did their best to maintain unlimited nuclear testing are using the same arguments for unlimited development of bacteriological, chemical, and radiological weapons; and anti-ballistic missiles; and multiple independently targeted re-entry vehicles. It is not unnatural for them to apply such pressure, for, in a very real sense, this part of their job. But it is both unnatural and hazardous for the American people to be acquiescent or uncritical witnesses to this process. It is their clear historical right not to let their government get away from them.

The notion that peace is possible in an open-ended arms race has no basis in human experience. To this may be added a profound observation by Richard M. Nixon before he became President: he said the best time to bring weapons under control is before, not after, they get into the stage of manufacture and stockpiling.

By now, the complexities of the world arms race have reached a point where even the most painstaking, persistent, and genuine efforts may not yield dramatic or immediate results. But it would clear the air if the United States announced to the world that we would rather die ourselves than to loose chemical and bacteriological horrors on mankind—and that, accordingly, we were taking a first step in what we hoped would be a program to eliminate these weapons altogether. We would specify the nature and quantity of weapons to be destroyed in the first phase, and invite U.N. Secretary General U Thant to appoint personnel to observe and report. We would announce that, if other nations carried out similar phased reductions under U.N. certification, we would be prepared to continue this reciprocal process until the world's arsenals were fully purged. Most important, we could say we were prepared to extend this process to the reduction and elimination of nuclear weapons, so long as others will proceed with us.

At the same time, we could move mightily in the direction of strengthening the U.N. itself, broadening its authority in order to enable it to deal with world tensions and conflicts on a statutory rather than makeshift basis. For it will not be enough to bring the world arms race under control. Nations themselves must be brought under responsible control. The advocacy of such an approach to peace is where security begins.

THE NOMINATION OF JUDGE HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. HRUSKA. Mr. President, earlier today the Junior Senator from Kentucky (Mr. COOK) and I sent a letter and memorandum to each Senator dealing with the role of Judge Haynsworth in labor decisions during his tenure as a member of the Fourth Circuit Court of Appeals.

As members of the Judiciary Committee, the Senator from Kentucky and I felt it was desirable to make a broad dissemination of our analysis of the claims made by those who oppose the nomination of Judge Haynsworth to the Supreme Court. We also intend at a later time to discuss his civil rights decisions and the charges of improper conduct which have been made against him.

Mr. President, the political philosophy of a nominee to the Supreme Court is not a proper subject for examination by the U.S. Senate. The President of the United States, acting under the Constitution which gives him the power of appointment, makes the nomination. The Senate then reviews that nominee and his qualifications to determine whether he possesses the qualities of experience, judicial temperament, competence, and integrity which would qualify him for the post.

The Senate also in discharging its duty under advice and consent should determine whether he may have such a bias or such a prejudice against a particular litigant that such litigant may not receive a fair hearing in any litigation which arises before the Supreme Court at a time when the nominee would be sitting there. But for the U.S. Senate to get into the question of the philosophy or politics would be an invasion of the President's power of appointment.

When the Committee on the Judiciary and later the Senate consider the duty advising and consenting to the nomination of the Honorable Arthur Goldberg and later advising and consenting to the nomination of Justice Thurgood Marshall, the rule I just stated was followed. Certainly this Senator did not go into the matter of bias or the philosophy or the prejudices, which either of those nominees might possess.

All of us know of the tremendously broad practice which the Honorable Arthur Goldberg had in the field of labor law. All of us know the great extent to which Justice Marshall participated in the field of civil rights as a private lawyer and as a counsel for various civil rights groups. Yet, this Senator well recalls the question that was put to then Solicitor General Marshall during the hearings before the Committee on the Judiciary. He was asked whether notwithstanding his experience in this particular field of litigation, he could give anyone appearing from any section of the country a fair hearing in matters arising in that field.

His answer was in the affirmative. And that is the ultimate answer that the Senate must ask for in the pending case.

A review of the cases in which Judge Haynsworth participated during his tenure on the Circuit Court of Appeals of the Fourth Circuit clearly establishes that there is no such bias which would affect Judge Haynsworth's ability as a member of the United States Supreme Court. There would be no such bias as to prevent fair hearings and decisions in any cases which may come before the court in the future. A review of these cases establishes that each decision in which he participated is buttressed by case law and logic. Regardless of the resulting subsequent appeals, each decision is intellectually honest.

Perhaps the most important case in this regard, in which Judge Haynsworth participated, takes issue with the decision in the Geizelle Packing Co. case, which involved the use of an authorization card count to establish a union as a bargaining agent. In reversing that case, the Supreme Court stated:

> Despite our reversal of the Fourth Circuit below, the actual area of disagreement between our position here and that of the Fourth Circuit is not large, as a practical matter.

The case of Enterprise Wheel & Car Corp. saw the Supreme Court announce new rules regarding judicial review of arbitration cases. At the same time the Supreme Court reversed the fourth circuit, it reversed the sixth and the fifth circuits on the same point. The seventh and the 10th circuits had decided similar cases and were relied upon by the fourth circuit in the latter's decision in the matter. In the face of these concurring views in different circuits, it is impossible to find that Judge Haynsworth was wrong or that he was "antiunion."

I will not undertake to review all the cases discussed in our memorandum. The point is this: Judge Haynsworth participated in many labor decisions. He sometimes decided in favor of unions; he sometimes decided against them. In each case, when the merits are examined, it is clear that the decision was based upon a sound review of the law and the fair application of the law to the facts of the case.

Mr. President, the American Bar Association Committee on the Federal Judiciary is certainly considered a reliable source for analysis of a judge's record and experience in this connection. Currently, and during the evaluation of Judge Haynsworth's career as a member of the fourth circuit, that Committee on the Federal Judiciary is headed and chaired by Judge Walsh, at one time Deputy Attorney General of the United States, at one time a judge of the Federal court, and certainly one of the distinguished and eminent members of the American bar today. I quote from his testimony as follows:

> All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament, and his professional ability. A few regretted the appointment because of the differences with Judge Haynsworth's ideological point of view, preferring someone less conservative. None of these gentlemen, however, expressed any doubts as to Judge Haynsworth's intellectual integrity or his capability as a jurist.
>
> A survey of Judge Haynsworth's opinions confirmed the views expressed by those interviewed as to the professional quality of his work.

Mr. President, I ask unanimous consent that the letter of transmittal, from the Senator from Kentucky and myself to all Senators, as well as a brief extract from the memorandum be printed at this point in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., October 6, 1969.

Hon. ——— ———,
United States Senate,
Washington, D.C.

DEAR SENATOR: Some confusion has obviously arisen over the record of Judge Clement F. Haynsworth, Jr., the President's Supreme Court nominee, during his tenure of service on the U.S. Court of Appeals for the Fourth Circuit.

In the spirit of fairness, we ask that you read the entire record, both pro and con, before making your decision.

We are glad this nomination has received the scrutiny that has been given it. Justices of the Supreme Court from this day forward must be able to stand the test of complete and honest disclosure before Senate confirmation can be anticipated. Judge Haynsworth's record will stand this test.

As members of the Judiciary Committee, we have had the opportunity to attend the hearings and study the record. As fair-minded Americans, we regret the proliferation of insinuations about Judge Haynsworth which we feel are based either upon misinformation or little knowledge of the facts. The decision which the Constitution calls upon the Senate to make must be made fairly. We are enclosing an appraisal of the Judge's entire record in labor cases so that you will be correctly apprised of his position in this area. We will subsequently be forwarding to you objective appraisals of his civil rights decisions and a complete rebuttal of the conflict of interest charges which have been leveled against him.

With best wishes,

Sincerely yours,

ROMAN L. HRUSKA,
MARLOW W. COOK,
U.S. Senators.

SUMMARY: JUDGE HAYNSWORTH'S LABOR RECORD—A REBUTTAL TO THE AFL–CIO APPRAISAL

I. *The Ten Supreme Court Reversals:* No objective evaluation can conclude that Judge Haynsworth is "anti-labor" as compared with the Supreme Court. Three of the cases involved changes of Congressional and/or Supreme Court policy *subsequent* to the Fourth Circuit's opinion. Two further cases were not "labor-management" cases. In one of the cases the Supreme Court explicitly stated that its disagreement with the Fourth Circuit was "not large as a practical matter." In *none* of the reversals did the Supreme Court purport to reverse an "anti-labor" decision.

II. *The Divided Fourth Circuit Cases:* The AFL–CIO fails to mention one decision in which Judge Haynsworth dissented *in favor of the union.* The AFL–CIO *labels* as "anti-labor" three cases in which the Fourth Circuit substantially *enforced* NLRB orders in favor of the Union, and four additional cases which are neutral decisions of procedure and evidence issues.

III & IV. *Judge Haynsworth's Undisclosed Pro-Labor Record:* The AFL–CIO completely fails to examine a large body of pro-labor cases in which Judge Haynsworth participated. These include at least *eight* (8) pro-labor opinions *written* by Judge Haynsworth, and an *additional thirty-seven* (37) pro-labor opinions in which Judge Haynsworth *concurred* but did not write an opinion.

V. *The Fourth Circuit's Labor Record:* The suggestion that the Fourth Circuit, and Judge Haynsworth in particular, has consistently opposed the NLRB's efforts to secure worker's rights is demonstrably false.

The Fourth Circuit completely or substantially *enforced* 98% of the NLRB petitions before it in 1968–69, as compared with only 81% for all circuit courts during 1963–68.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

COAL MINE HEALTH AND SAFETY ACT OF 1969—AUTHORIZATION FOR PRINTING OF BILL

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that S. 2917, the Coal Mine Health and Safety Act of 1969, be printed as it was passed by the Senate on Thursday, October 2, 1969.

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

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Tuesday October 7, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate October 6, 1969:

WORLD HEALTH ORGANIZATION

Dr. S. Paul Ehrlich, Jr., of Virginia, to be representative of the United States of America on the Executive Board of the World Health Organization.

U.S. DISTRICT JUDGE

David L. Middlebrooks, Jr., of Florida to be U.S. district judge for the northern district of Florida vice George Harrold Carswell, elevated.

CONFIRMATIONS

Executive nominations received by the Senate October 6, 1969:

U.S. MARSHAL

Ollie L. Canion, of Louisiana, to be U.S. marshal for the eastern district of Louisiana for the term of 4 years.

NATIONAL TRANSPORTATION SAFETY BOARD

Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1969.

HOUSE OF REPRESENTATIVES—*Monday, October 6, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God loveth righteousness and justice; the earth is full of the goodness of the Lord.—Psalm 33: 5.

O Spirit of the living God, who governs the world with righteousness and whose judgments are true and righteous altogether, grant that these representatives of our people may be of one mind and of one heart as they seek to provide justice, to produce good will, to protect freedom, and to promote the welfare of all the citizens of our beloved land.

Endue them with Thy spirit that with clear understanding, clean motives, and creative principles they may rise above all self-seeking and through self-discipline be primarily concerned about the good of our country and the brotherhood of man.

Bless all the courts of justice in our Nation and particularly our Supreme Court opening on this day. Grant unto all Justices the spirit of wisdom that they may decide wisely and uphold the law as it is without fear or favor.

May the Lord give strength to His people and bless them with peace of mind, purity of heart, and power of spirit to work together for the good of all men.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, October 3, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 851. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested bills of the House of the following titles:

H.R. 9825. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes;

H.R. 11039. An act to amend further the Peace Corps Act (75 Stat. 612), as amended; and

H.R. 12982. An act to provide additional revenue for the District of Columbia, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 9825) entitled "An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes," requests a conference with the House on the disagreeing votes of the