

By Mr. WOLFF (for himself, Mr. EDWARDS of California, Mr. LEGGETT, Mr. LOWENSTEIN, and Mr. RYAN):

H. J. Res. 944. Joint resolution to create a Special Joint Congressional Committee on Oversight in Vietnam; to the Committee on Rules.

By Mr. KING (for himself, Mr. GROSS, Mr. DEVINE, Mr. SCHERLE, Mr. DEL CLAWSON, Mr. WATKINS, Mr. STEIGER of Arizona, Mr. FOUNTAIN, Mr. RARICK, Mr. HALL, Mr. UTT, Mr. LENNON, Mr. COLMER, and Mr. ASHBROOK):

H. Con. Res. 401. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. OTTINGER (for himself, Mr. ANDERSON of California, Mr. BROWN of California, Mr. CLAY, Mr. CORMAN, Mr. DERWINSKI, Mr. EILBERG, Mr. GRAY, Mr. KOCH, Mr. LEGGETT, Mr. LONG of Maryland, Mr. MOSS, Mr. ROYBAL, Mr. ST GERMAIN, Mr. CHARLES H. WILSON, Mr. WOLFF, Mr. TUNNEY, Mrs. MINK, Mr. POWELL, and Mr. POLLOCK):

H. Con. Res. 402. Concurrent resolution to provide that failure of executive departments, agencies or instrumentalities of the Federal Government to respond within 60 days to requests from committees of Con-

gress for reports on pending legislation shall create the conclusive presumption that such agencies favor enactment of the legislation and that enactment is consistent with the legislative program of the President; to the Committee on Rules.

By Mr. ROSENTHAL (for himself, Mr. BROWN of California, Mr. BUTTON, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CONYERS, Mr. EDWARDS of California, Mr. ECKHARDT, Mr. FRASER, Mr. JACOBS, Mr. KASTENMEIER, Mr. MIKVA, Mr. OLSEN, and Mr. RYAN):

H. Con. Res. 403. Concurrent resolution urging the withdrawal now of U.S. Forces in Vietnam; to the Committee on Foreign Affairs.

By Mr. KING:

H. Res. 577. Resolution directing the U.S. Tariff Commission to make an investigation of competition between domestic and imported leather and leather goods; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANDERSON of California:

H.R. 14302. A bill for the relief of Mr.

Isauro Alandy and Mrs. Jennifer Alandy; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 14303. A bill for the relief of Giovanni Paolo Quagliariello; to the Committee on the Judiciary.

By Mr. BUTTON:

H.R. 14304. A bill for the relief of Munir W. El-Far; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H.R. 14305. A bill for the relief of Hassan Chaharsough Vakil, doctor of medicine; to the Committee on the Judiciary.

PETITIONS, ETC.

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

284. By the SPEAKER: Petition of Harold Lindemann, Eatontown, N.J., relative to enlargement of the U.S. Supreme Court; to the Committee on the Judiciary.

285. Also, petition of Mrs. L. Vall, et al., Lynden, Wash., relative to appointments to the U.S. Supreme Court; to the Committee on the Judiciary.

286. Also, petition of the Committee on Public Health and Welfare, Florida House of Representatives; relative to the proposals of President Nixon for welfare reform; to the Committee on Ways and Means.

SENATE—Thursday, October 9, 1969

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

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

Mighty God, Lord of the nations who by Thy providence didst guide our fathers to create a great nation, teach us to humble ourselves by remembering that where much is given much shall be required. Be with us to strengthen us that we may guard faithfully this good heritage, conserving and using wisely all things material for the well-being of the people, but cherishing most zealously all things spiritual, that the idealism and character of the fathers may be renewed in each generation. Remove from all men the hate and prejudice which turns man against man. Subdue the pride, greed, and anger which corrupts and blemishes the life. And so nourish us in righteousness and truth that Thy promised kingdom may be fulfilled in the brotherhood of man, for Thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 8, 1969, be dispensed with.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the

Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on the Judiciary.

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

APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. On behalf of the Vice President, the Chair, pursuant to Senate Resolution 33, as amended, 87th Congress, appoints the Senator from Illinois (Mr. SMITH) to the Special Committee on Aging, in lieu of Senator Dirksen, deceased.

On behalf of the Vice President, the Chair appoints the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS) as advisers to the Third Inter-American Conference of Ministers of Labor on the Alliance for Progress, to be held at Washington, D.C., October 10-17, 1969.

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 ACTING PRESIDENT pro tempore. Without objection, it is so 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 ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The bill clerk proceeded to read the nominations in the Department of Justice.

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

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

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

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

LEGISLATIVE SESSION

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees

be authorized to meet during the session of the Senate today.

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

ECONOMIC DEVELOPMENT ON INDIAN RESERVATIONS

Mr. MANSFIELD. Mr. President, there are indications that a "red power" movement is growing among young people on our Indian reservations. This is the movement emphasizing pride in Indian heritage and the need for Indians to take responsibility for their own destinies.

I believe there is a better way for Indians to achieve these goals than through a militant "red power" movement. The economic development that is taking place on reservations in Montana and elsewhere appears to be that way.

An article in the September issue of the Government Executive tells about such development on the Fort Peck Indian Reservation in northeastern Montana. Dynalectron Corp. helped these Indians to establish a tribal industry for repairing small military arms. But the corporation's role will be finished when the Indians train a cadre to operate the industry by themselves. They are moving rapidly in that direction.

Such economic development cannot be accomplished by the Indians all by themselves. They need the help of business, industry, and the Federal Government. But the Indians can do their share—and eventually they can assume full responsibility.

The Government Executive article, which contains a very good picture of my distinguished colleague, the Presiding Officer, the Senator from Montana (Mr. METCALF), shows what can be done by Indians when they get the right kind of help and when they are given the incentive to take responsibility for their future.

Not only did this particular corporation help the Indians on the Fort Peck Reservation, but also, my distinguished colleague, the Senator from Montana (Mr. METCALF), played a very important part in getting this project underway and was one of the most active and most prominent participants when the Fort Peck Indian-owned plant opened in April with a ribbon-cutting ceremony.

I ask unanimous consent that the article be printed at this point in the RECORD.

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

INDUSTRY-INDIAN-GOVERNMENT JOINT EFFORTS CUT WELFARE COST AND REVIVE LOCAL ECONOMY

(By Patrick J. McGarvey)

HIGHLIGHT

1—Dynalectron Corp. was largely instrumental in the formation of an Indian-owned plant in Montana that has reduced welfare payments dramatically.

2—While a restoration of Indian pride is evident through these efforts, the nationwide Indian situation remains grim.

3—The Bureau of Indian Affairs still labors under the paternalistic attitudes of the past although this, too, is changing.

4—Symptomatic of today's young Indian, a "Red Power" movement is taking hold on the reservations.

5—The Dynalectron effort at Fort Peck,

Mont., suggests a new approach to the Indian problem by "winning the hearts and minds of the people."

Dynalectron Corp. has shattered the oft-stated myth about the heartless nature of American industry. In displaying and implementing a social conscience the firm also has pioneered a new concept of assisting the underprivileged that is well worth attention.

Heeding former President Johnson's advice for industry to assume social responsibility, Dynalectron became interested in the plight of the American Indian. Charles Gullede, Dynalectron president, in an interview with *Government Executive* revealed that he was skeptical at first when the idea was broached to him by two men in his Aerospace Operations Division who had been working in remote areas on missile range work.

"If we were going to assume a responsibility for assisting in setting up a viable financial enterprise, we also realized that we were accepting a larger social responsibility toward the Indian tribes there. I wanted no mistakes, so I put some pretty high-priced legal and managerial talent to work on the project."

In October 1968 they assisted in the formation of the Fort Peck Tribal Industries at a remote reservation in northern Montana, lending legal and financial expertise to the tribe, which is the sole owner of the corporation. Dynalectron will make no money on the product nor does it plan to make any. It has lent the Indians its skill and expertise but plans to phase out as soon as the tribal members are trained and running their own show. Today Dynalectron personnel are working with the tribe in overall management, quality control, accounting and personnel. After the firm is on its feet, Dynalectron will continue to aid in marketing the products and services of the new organization.

WELFARE/UNEMPLOYMENT DOWN

The Fort Peck facility presently is working on a contract for the Air Force repairing carbines under a Small Business Administration contract that Dynalectron assisted the tribes in obtaining.

Although the project was initiated by Dynalectron, Gullede spoke at length of the splendid cooperation he received from many parties. Within a six-month period the plant was brought from drawing board to full operation, and involved the efforts of Sen. Lee Metcalf (D-Mont.), the Small Business Administration, Bureau of Indian Affairs, Air Force, Office of Economic Opportunity, Trader's State Bank in Poplar, Mont., and the Sioux and Assiniboine tribes. The formal dedication of the plant took place on April 6, marking the on-time delivery of the first batch of carbines to the Air Force.

Plans for the future are looking brighter still. The Air Force, in signing the first contract, funded the operation at \$700,000 with an option for an additional \$350,000. Dynalectron men have drawn up a five-year plan in coordination with the Indian managers under training, and prospects for additional contracts seem good with the firm diversifying into assembly of electrical cables and other nondefense services.

Prior to the formation of Tribal Industries, the unemployment rate for the reservation was over 40 percent in the Summer and about 55 percent in the Winter. Fifty-four percent of the families were below the official poverty line of \$3,000 a year. The new plant has a biweekly payroll of about \$20,000 and is expected to add about \$700,000 a year to the local economy. Local businesses report a 20 percent rise in sales since the plant opened. Moreover, welfare and unemployment compensation payments have dropped dramatically, and are expected to decrease about \$300,000 in the near future.

With the ownership of the plant residing in tribal hands, a noticeable effect on local Indian morale and attitudes is evident. Plans

are now underway for the tribe to purchase back land lost to them over the years in one way or another. Savings in the local bank are up markedly, and the men at the plant are apparently proud of their efforts, feeling as if their individual work contributes not only to themselves but also to the tribe as a whole.

CLASSIFICATION OF INDIANS

It would be unfair to industry and the Indians alike if it were claimed that a panacea has been found in these recent developments. The Indian problem is simply too complex, varying from area to area, to allow sweeping generalities.

In the last census there were just over a half-million Indians in the United States. About 300,000 of these people live on trust lands for which the Secretary of Interior is responsible.

Today the Bureau of Indian Affairs counts 263 Indian tribes, bands, villages, pueblos and groups in the country. Classification of Indians is generally handled in one of two ways: (1) by the way the Indians found their food or (2) by their language.

There are seven distinct groupings classified by food gathering techniques ranging from the woodsmen of the Eastern forest who traveled by foot or canoe and relied on hunting and fishing to the hunters of the Plains who hunted on horseback great areas of the West for buffalo.

In Washington and Oregon there were the northern fishermen and in California, Nevada and Utah there were planters. Shepherds dwelt in Arizona. Of course, in each of these cultures different social groupings and habits emerged. On the basis of common words or language, there are eight major Indian linguistic groups.

LEGAL STATUS OF INDIAN

There are many myths afoot concerning the legal status of the American Indian. He is not a ward of the Government as some would think. The Government is a trustee of Indian property, not the guardian of the individual Indian. Indians are not confined to reservations. They may move about freely as any other American citizens. There is no Federal payment to an Indian simply because he is an Indian.

The Indian is a citizen, although it was not until 1924 that he achieved this status. The right to vote has come even slower with his disenfranchisement finally being tested in the courts in 1948 and 1953. Since those cases, he has been fully franchised as all other Americans are.

Indians are subject to service in the military and many have distinguished themselves. In WWI more than 8,000 served, and in WWII they were represented by over 25,000 men in uniform.

The Indian is subject to Federal, state and local laws like non-Indians. If he lives on a reservation, however, only Federal and tribal laws apply, except in 13 states where Congress has provided that states shall have jurisdiction.

Indians may buy "firewater" at their own discretion. Here too, however, this right was not granted until 1953. On the reservations a local option ruling is in effect and some 55 reservations have legislated that their citizens may buy liquor.

Indians may own property. Today their lands are owned either by the tribe or by individual Indians. An Indian has trouble selling his land, however, for he must send a request to the Secretary of the Interior or his representative for a determination by them that the sale is in the Indian's best interest. If he wishes to hold individual title to his land, an Indian must also send a request to the Secretary of Interior for a determination that he is capable of managing his own affairs.

Indians pay local, state and Federal taxes the same as other citizens unless a treaty,

agreement or statute exempts them. Most tax exemptions which have been granted apply to lands held in trust for Indians and to income from such land.

Indian tribes have their own government referred to as the tribal council, elected by vote of the adult members of the tribe. The council has the authority to speak and act for the tribe in dealings with Federal, state and local governments.

The role of the American Government has ranged the spectrum of emotions from punitive to paternalistic. To review the long history of broken promises to the Indian would be needless repetition. It is sufficient to say that the Indians moved to the reservations and whether they went peacefully, as the Cherokee did, or fought bitterly, as the Teton Sioux did, the result was the same. They were forced to live on land that the white man deemed worthless.

From the presidency of George Washington until 1849, Federal Indian policy was directed by the Secretary of War, which says much for the character of U.S.-Indian relations in that period. Since then, the Bureau of Indian Affairs (BIA), an agency of the Interior Department, has guided the destiny of the American Indian. For the most part it would not be inaccurate to say that the BIA over the years has misguided Indian Affairs. In fact, in an interview with *Government Executive*, some officials there admitted this.

Officially the BIA's duties are to protect the resources of the Indian, to see that his land is not stolen from him or sold when it would be in his best interests to hold it. In addition, the BIA provides schools, builds and maintains roads and irrigation projects and performs certain administrative chores, much like any city hall or county seat.

PATERNALISTIC ATTITUDE

Throughout the last 100 years, the BIA has carried out its tasks reasonably well given the resources with which it has had to work. In the process, however, it developed an attitude toward Indians that came to be known as paternalistic. This fatherly overprotection probably had several sources, but foremost among them was the shortsighted conclusion by the bureaucracy that it was easier to do the job itself than it was to teach a bunch of ignorant Indians to do it.

As a result the Indians received help, but never learned to help themselves. It was like giving morphine to a patient dying of cancer: It killed the pain but not the disease. The disease which was and is running rampant through Indian reservations is unemployment, which to some degree was the fault of the Indian. On the other hand, however, he was given little incentive to do otherwise. When the Pine Ridge Reservation in South Dakota was formed for the Ogala Sioux, the Indians called it "Wakpamini," which was the Dakota word for "place where you get something for nothing."

Since the early '60s the attitude has changed somewhat at BIA. Indian policy and BIA goals have been rephrased with generous dosages of positive thought. With an annual budget of about \$250 million, BIA likes to think of itself as working with the Indian people and other agencies of Government to develop programs that will lead to Indian self-sufficiency. It advises Indian landowners how they can make the most of their resources. It provides educational and social services when these are not available from other sources. It informs Indian groups of sources of local assistance and it assists Indians who wish to leave reservations for economic improvement.

The three aims of the BIA are (1) higher Indian standards of living, (2) assumption by Indians and Indian tribes of the responsibility of managing their own funds and resources and (3) political and social integration of Indians.

Today there are approximately 290 Indian reservations under Federal jurisdiction.

They range in size from tiny settlements in California of only a few acres to the Navajo Reservation of about 14 million acres. Other than the Navajo, there are only 10 reservations with more than a million acres. Slightly more than 50 million acres are in Indian use.

On this surface the figures are impressive. The gross value from agricultural production on Indian reservations in 1966 was about \$170 million. This provided \$58 million to Indian operators. Another \$16 million was received by Indians from rents and royalties in 1966. Income from mineral rentals, bonuses and royalties in 1967 exceeded \$30 million. In the same year, the sale of timber from reservations netted \$15 million for the Indians. Another \$4 million came from commercial, industrial and recreational use of Indian land.

"RED POWER"

The majority of Indian reservations, however, cannot support the Indian population. More intensive agriculture is needed, and industry and business are needed on or near Indian reservations to give diversification and incentive to the Indians. Their hope for the future lies in the balanced economic development of all their resources—natural, recreational and industrial.

BIA has several programs underway to assist in developing the natural resources on the Indian lands, to encourage industrial relocation to these areas and to provide employment assistance to Indians. These must be beefed up, however, to overcome the staggering apathy of Indians whose outlook and hopes for the future have too often been raised only to be dashed again by a loss of interest.

Symptomatic of the Indian attitude today is the emergence of a "Red Power" movement. As in other militant movements this one, too, represents a small but vocal minority of Indians. The leaders of this movement are college-trained young men who are most bitter. They describe most prominent Indians of today as "bootlickers, classic Indian finks."

Though the strength of the organization has declined in recent months it has attracted attention, not only among the startled highway travelers who have read bumper stickers announcing "Custer Died for Your Sins" but among growing numbers of young Indian people, more of whom are being taught to have a fierce pride in their Indian heritage.

Clyde Warrior, one of the leaders, claims that everyone over 30 years old should be kicked out of the BIA. Its ideas, he claims, date back to the paternalistic '20s and it has created in his opinion a neurotic, almost insane attitude toward joining the "mainstream." He claims the American dream is "Disneyland, garbage, a sham that should be exposed."

THE WHITE "DO-GOODER"

Like his brethren black power militants, Warrior wants nothing to do with the white liberal "do-gooder." "I don't know a single white man who's helped the Indians," he remarked. "Oh they're sincere and dedicated... and stupid."

The attitudes of such people he claims have fostered Indian dependence on society. "Take an Indian with no education and a house full of kids, and people say he's incompetent. He can't even manage his own life, let alone run a Government or a tribe. That's what the BIA's been saying for years. He's too stupid to do it himself, so we'll do it for him. The system perpetuates this thinking. It's so easy to justify it. And, it becomes easy for the Indian, too. He says: 'I'm just an Indian, I can't do any better.' He should be made to do better. Give the tribes the money and let them spend it. They'll make mistakes, sure, but they'll learn responsibility. You cannot have respect without responsibility."

So, far, the Red Power movement hasn't accomplished too much. The principal organizations involved in the drive—the National Indian Youth Council and the Coalition of American Indian Citizens—have a total membership of about 2,000 of the estimated 500,000 American Indians. Moreover there are internal splits; each group has factions that can't agree on whether Indians should try to preserve their racial identity at all costs or seek to assimilate themselves into white society. To date they have launched only a handful of self-help programs and protest demonstrations. Yet many students of Indian life agree that the mere existence of the two youth-dominated, action-oriented groups marks a sharp break with the Indian's traditional passivity.

As pride and hope have vanished, many Indians have turned to liquor. The result, of course, has been the disintegration of the family unit. Marriages break up at an alarming rate and the suicide rate is high on reservations. The situation is aggravated by the yawning generation gap in many Indian families. The old people refuse to live in this world; the youngsters know they're in it. They see it every day on television and in school.

Many young people want to leave. Some make it, but the success rate is very low. Many lack the money or the skills to settle in a new area. They run into constant discrimination in trying to find a job. Used to rural life, they have trouble adjusting to the urban areas where most jobs are found.

The economic development of Indian areas is tied to the cultural differences between Indians and whites. Many Indians simply do not aspire to be absorbed into the mainstream. They find urban American life frightening and distasteful and prefer to remain on familiar home ground.

Prior to 1955 BIA focused its attention on developing native industries such as sawmills, fisheries, cattle and agricultural pursuits. Two companies—Simpson Electric Co. and Bulova Watch—in the mid-1950s opened up assembly plants on Indian lands and found them eminently successful. They remain so today. They noted a high incidence of manual dexterity among Indians which suited their needs for assembling small electric components. Moreover, their reports describe Indians as intelligent, with good eyesight, excellent muscular coordination and patience.

The BIA has since the mid-1950s devoted a considerable portion of its efforts to inducing industries to locate on or near Indian lands. It is constrained somewhat by the monetary assistance it can offer in the form of on-the-job training program funds (PL 959) which defers some of the start-up costs for manufacturers. The remote inaccessible location of many reservations, moreover, is another deterrent. On the whole efforts in industrial development are just getting underway.

Reorganizations within the BIA have focused attention on the economic community in and near Indian lands. It admits that a major task is getting Indians and non-Indians in a locale to work together. It also has exerted efforts to develop tourism and recreation on and near Indian lands, viewing these as a natural economic potential that should be brought into full play by the Indians.

DOMESTIC PROBLEM

The Indian problem is not confined to the economic facts of life, which today are grim, but improving because of the efforts of firms such by Dynalutron. More fundamental problems exist in the fields of housing, education, health and police and legal protection on the reservations, and among the Indian community as a whole. Much needs to be done in these essential areas. President Nixon in his campaign promised to help. The recent

appointment of a new Indian Commissioner may signal the beginning of a new era. (We believe it only fair to allow the new Commissioner time to settle in, but we shall return to this subject in the future to assess anew the Indian situation.)

In the meantime, since the BIA spends a good deal of effort studying the Indian situation it might be worthwhile for it to consider studying the different effects that projects like Dynallectron's has on Indian attitudes as opposed to the Indian attitudes where assembly plants are established and the local Indian population recruited as the labor force.

It would seem to this writer that we have a situation here not unlike the Vietnam rural situation in which we have been attempting to "win the hearts and minds of the people." Identification with an organization such as the Fort Peck facility runs far deeper than a paycheck. It represents the restoration of Indian pride, which was at one time the measure of an Indian. Efforts like Dynallectron's afford the Indian groups an opportunity to maintain their ancestral identity and not be faced with an "either-or" situation wherein the only escape is to join the so-called "mainstream."

ORDER OF BUSINESS

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

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

The bill clerk proceed to call the roll.
Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR ADJOURNMENT

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

(Subsequently, this order was vacated, and the Senate entered an order that at the conclusion of its business today it stand in adjournment until 10 a.m., Monday, October 13, 1969.)

EVERETT MCKINLEY DIRKSEN— EULOGIES TO BE DELIVERED ON WEDNESDAY, OCTOBER 29, 1969

Mr. MANSFIELD. Mr. President, for the information of the Senate, a period will be set aside on Wednesday, October 29, for Members to deliver eulogies on the passing of our late and beloved colleague, the distinguished Senator from Illinois and former minority leader, Mr. Dirksen. I give this notice so that Senators will be prepared for that day and with that expectation in mind.

ORDER OF BUSINESS

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

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

The bill clerk proceeded to call the roll.
Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on October 8, 1969, the President had approved and signed the following act:

S. 574. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

SECOND ANNUAL REPORT OF THE NATIONAL ADVISORY COMMITTEE ON ADULT BASIC EDUCATION— MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-176)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I transmit herewith the Second Annual Report of the National Advisory Committee on Adult Basic Education.

Adult basic education plays a vital role in making our democratic society viable and rewarding to all its members. Teaching the adult to read, write, and speak well leads to expanded job opportunities, enhanced self-esteem, a better home environment for school children and increased civic responsibility.

To help meet the needs for adult basic education, the National Advisory Committee has been reviewing the administration and effectiveness of the Adult Basic Education Program in the Office of Education and fifteen other federally supported programs which have adult basic education components. The Report describes this review and makes several recommendations concerning the Federal effort to serve the education needs of the more than twenty million adult Americans who have less than an eighth-grade education.

I have asked the Council for Urban Affairs, which has a special committee on education, to review these and other recommendations of the National Advisory Committee carefully, and to seek ways to improve the performance and coordination of all Federal adult basic education programs.

RICHARD NIXON.

THE WHITE HOUSE, October 9, 1969.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF VIOLATION OF A FISCAL YEAR 1969 PANAMA CANAL COMPANY ALLOTMENT

A letter from the President, Panama Canal Company, reporting, pursuant to law, a violation of a fiscal year 1969 Panama Canal Company allotment; to the Committee on Appropriations.

REPORT ON FISCAL YEAR 1970 OUTLAY LIMITATIONS

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, on the operation of section 401 of the Second Supplemental Appropriation Act, 1969, limiting fiscal year 1970 budget outlays (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

A letter from the Chairman, Foreign Claims Settlement Commission, transmitting, pursuant to law, the Annual Report of the Foreign Claims Settlement Commission for the period beginning January 1, 1968, and ending December 31, 1968 (with an accompanying report); to the Committee on Foreign Relations.

PROPOSED RESEARCH AND DEVELOPMENT CONTRACT WITH AMERICAN STANDARD, INC.— MELPAR DIVISION

A letter from the Director, Bureau of Mines, U.S. Department of the Interior, transmitting, pursuant to law, a proposed research and development contract with American Standard Inc.-Melpar Division, 7700 Arlington Boulevard, Falls Church, Va., to study and improve the design of cutting assemblies of continuous mining machines for the purpose of reducing the production of respirable dust (with accompanying papers); to the Committee on Interior and Insular Affairs.

MASTER PLAN FOR THE ROGUE RIVER COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

A letter from the Assistant Secretary for Public Land Management, Department of the Interior, transmitting, pursuant to law, a plan for the development, operation, and management of that portion of the Rogue River segment under the administration of the Bureau of Land Management in Oregon (with accompanying papers); to the Committee on Interior and Insular Affairs.

PLAN FOR THE RIO GRANDE NATIONAL WILD AND SCENIC RIVER

A letter from the Assistant Secretary for Public Land Management, Department of the Interior, transmitting, pursuant to law, a plan for the development, operation, and management of the Rio Grande River segment of the national wild and scenic rivers system under the administration of the Secretary of the Interior, through the Bureau of Land Management (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORTS ON SHARING MEDICAL FACILITIES AND EXCHANGE OF MEDICAL INFORMATION

A letter from the Administrator, Veterans' Administration under fiscal year 1969 programs for sharing medical facilities and for exchanging medical information (with accompanying reports); to the Committee on Labor and Public Welfare.

REPORT OF THE FEDERAL VOTING ASSISTANCE PROGRAM

A letter from the Secretary of Defense, transmitting, pursuant to law, the seventh report of the Federal voting assistance program covering the period from September 1967 to September 1969 (with an accompanying report); to the Committee on Rules and Administration.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND 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

following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore:

S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Florida, and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park; and

S.J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the Board of Commissioners of the city of Millville, N.J., remonstrating against proposed legislation to limit the tax-exempt feature of interest paid on public bonds issued by State or local governments which was referred to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment;

S.J. Res. 150. Joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week" (Rept. No. 91-452).

BILLS INTRODUCED

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

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3007. A bill to authorize the transfer of the Brown Unit of the Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit; to the Committee on Interior and Insular Affairs.

By Mr. YARBOROUGH (for himself, Mr. TALMADGE, Mr. RANDOLPH, Mr. CRANSTON, Mr. HUGHES and Mr. WILLIAMS of New Jersey):

S. 3008. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Labor and Public Welfare.

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

By Mr. TYDINGS:

S. 3009. A bill to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. TYDINGS (by request):

S. 3010. A bill to authorize in the District of Columbia a program of public day care services; and to amend the District of Columbia Public Assistance Act of 1962 so as to relieve certain adult children of the requirement of support and to provide public assistance in the form of foster home care to certain dependent children;

S. 3011. A bill to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes; and

S. 3012. A bill to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes; to the Committee on the District of Columbia.

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

S. 3013. A bill to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. JACKSON (for himself, Mr. ANDERSON, Mr. GRAVEL, Mr. MAGNUSON, Mr. MONTOYA, and Mr. STEVENS):

S. 3014. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

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

By Mr. HATFIELD:

S. 3015. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Labor and Public Welfare.

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

S. 3008—INTRODUCTION OF A BILL INCREASING THE AVAILABILITY OF GUARANTEED HOME LOAN FINANCING FOR VETERANS AND THE INCOME OF THE NATIONAL SERVICE LIFE INSURANCE FUND

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference a bill to increase the availability of guaranteed home loan financing for veterans, and to increase the income of the national service life insurance fund.

It would accomplish the first objective by permitting the investment of up to \$5 billion of funds of the national service life insurance fund in mortgage loans for veterans. This injection of capital into veterans housing would be made at the rate of \$1 billion a year for each of 5 years, and would mean a real shot-in-the-arm to home construction in general and for veterans in particular.

The bill would accomplish the second purpose because income to the national service life insurance fund from mortgage interest would be higher than the present income from Government securities.

On August 28, the Department of Commerce released its monthly economic indicators, showing a decline of four-tenths of 1 percent in the composite economic index. It was clear from the figures that this decline took place in the home construction industry, and that housing was bearing the brunt of the anti-inflation tactics of the stringent monetary policy and high-interest rates.

Mr. President, a few days ago, we heard the administration boast that the unemployment rate had gone up to 4 percent. This is the only administration in history that brags about creating more unemployment. Previously, if an administra-

tion could brag, it would be that it had reduced unemployment.

This administration boasts that we are increasing unemployment. At present, unemployment has increased by 4 percent. I can tell the administration in what industry unemployment is increasing the fastest. It is in the home construction industry. I have received that report in letters that small homebuilders, those who hire only six or eight employees, are suffering the most. In one county alone, six small homebuilders have already gone broke and their employees have lost their jobs. Others are laying off employees every day.

We are now feeling the impact of record-breaking interest rates. There have been four increases in interest rates since the beginning of January. The first record-breaking high-interest rate occurred in 1814, during the War of 1812, when the British forced our ships to rot in our harbors. The second significant increase occurred in 1864, when Lee was stalling Grant before Richmond, and Hood was stalling Sherman before Atlanta. As a result of the threat of the stalemate, the interest rates increased to the highest level ever. The third significant increase in interest rates occurred in 1919, as a result of World War I. The fourth increase was in 1929, during the boom period that preceded the great depression.

Today, we have the highest interest rates in the entire history of the United States. These high interest rates are crippling the American homebuilders, except in the few big money markets of the country.

Under the impact of these record-breaking high rates, construction of single-family dwellings dwindled to an annual rate of 1.3 million in August, and is headed down to 1 million. That number is a tragic contrast to the 2.6 million units a year we must build to meet the goal established in the Housing Act of 1968.

The Commission reported to the President that it would take the construction of at least 2½ million housing units a year to keep this Nation out of the slums. These 2½ million units must be built if we are to meet the goals established in the Housing Act of 1968. We have already decreased that quota by more than half and with every day that goes by it is plummeting even lower.

The special veterans housing program has been hard hit by interest inflation, along with all moderate- and low-income housing. Despite the legislation we have enacted in an effort to assure homeownership opportunities for veterans, interest rates have undermined it, as they have undermined all homebuilding.

Raising interest rates in an effort to outbid other borrowers is becoming a game of governmental leapfrog. We are asked, in effect, to raise rates for loans to students to give lenders a 10-percent return. Then we are told that mortgage rates must rise in order to outbid the students. Then the Federal debt is refinanced at higher rates in order to outbid all the other borrowers.

I believe we have gone as far as we can to help housing by raising interest rates. In the case of veterans housing,

the effect has been a decline, not an increase, in construction.

In May of 1968, the 6-percent mortgage ceiling still prevailed. Starts then were at an annual rate of 57,000 veterans homes. Then the mortgage rate was raised to 6.75 percent and in January of this year to 7.5 percent. But the current rate of veterans housing starts is down to 46,000 a year. An increase in the interest rate of 1.5 percent, in other words, has reduced construction by 11,000 units at an annual rate.

We need another answer to the housing depression besides new increases in mortgage rates. One answer that holds out hope for more veterans housing is the proposal sponsored in the House of Representatives by my colleague from Texas, the Honorable OLIN TEAGUE. It would make available up to \$5 billion from the national service life insurance fund, over a period of 5 years, for investment in veterans home mortgages. This bill in the House is H.R. 9476. The same proposal was offered in the House on September 29 by Congressman PATMAN as an amendment to a VA interest rate bill. Unfortunately, it was ruled not germane to that measure.

The terms of the bill I am introducing today permit the VA Administrator to use the investment funds to purchase loans from the direct loan revolving fund; to sell participation certificates in mortgages held by the fund; and to utilize available funds in the loan guarantee and direct loan revolving funds to cover deficiencies in the investment fund.

This measure has wide support among veterans organizations, who recognize that higher lending rates are a death knell and not a stimulus to home purchasing by veterans. The Veterans of Foreign Wars adopted a resolution at its annual convention supporting the use of these insurance funds for veterans home mortgages, and I ask unanimous consent to have this resolution printed in the RECORD following the printing of the bill.

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

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, the proposal is also supported by the National Association of Homebuilders.

I wish to acknowledge the leadership on this matter by my colleagues from Texas in the House, and to commend them for it. This measure is in the best interest of the Nation's veterans and will, at the same time, provide a new and useful approach to the financing of homebuilding.

In order to have the text of the bill before the Members of the Senate, I request that it be printed immediately following my remarks.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The bill will be received and appropriately referred; and, without objection, the text of the bill will be printed in the RECORD, as requested.

The bill (S. 3008), to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund, introduced by Mr. YARBOROUGH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor

and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter III of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1828. Investment of funds of the national service life insurance fund in first mortgage loans guaranteed under section 1810 of this chapter

"(a) When issuing a commitment to guarantee a proposed home mortgage loan under section 1810 of this chapter, the Administrator is authorized and is hereby directed to issue, if such is requested by the lender-mortgagee, a nonassignable commitment to purchase the completed loan from such lender-mortgagee. For each such commitment the lender-mortgagee shall pay a non-refundable fee of not in excess of one-half percentum of the amount of the commitment. Such commitment shall provide for the purchase of the loan from the lender-mortgagee for the price specified in the commitment (which price shall be specified as a percentage of par) if the lender-mortgagee certifies to the Administrator, not earlier than sixty days subsequent to the disbursement of the loan proceeds but not later than twelve months from the date of the Administrator's issuance of the loan guaranty evidence, that—

"(1) it has not been successful in effecting a sale of the loan to a private investor at a price equal to or in excess of that specified in the Administrator's commitment;

"(2) it has not charged or collected from and will not charge or collect from the seller or builder of the property, or from any third person or entity, directly or indirectly, any discount (points) in excess of the difference between the face amount of the loan and the price specified in the Administrator's purchase commitment plus the origination fee charged by the lender-mortgagee and the commitment fee specified in this subsection (a);

"(3) the loan is not in default.

The purchase price specified in any purchase commitment issued under this subsection shall not be less than the average price for which one hundred and eighty day purchase commitments were auctioned by the Federal National Mortgage Association at the last Association auction preceding the issuance of the Administrator's purchase commitment, but in no instance shall the Administrator agree to pay more than par (unpaid principal balance plus accrued interest) nor less than 96 per centum of par for any loan purchased under this subsection. Insofar as practicable the Administrator shall utilize the purchase authorization in this subsection in those localities where the discount levels are determined by him to be substantially in excess of the discounts entailed in the Federal National Mortgage Association average auction prices for its one hundred and eighty day purchase commitments.

"(b) There is hereby established in the Treasury of the United States a revolving fund to be known as the national service life insurance investment fund (hereinafter called the investment fund). The investment fund shall be available to the Administrator for all operations under this section, including the payment of expenses and losses, except administrative expenses. From time to time, the Administrator shall notify the Secretary of the Treasury as to the amount of funds necessary to purchase loans as the consequence of commitments issued or to be issued, pursuant to subsection (a) of this section, and to purchase direct loans, pursuant to subsection (c) of this section, and the Secretary shall, as authorized by section 720(c) of this title, transfer such funds from the insurance fund to the investment

fund, except that the aggregate of transfers pursuant to this subsection shall not, in the period between the enactment of this section and June 30, 1974, exceed \$5,000,000, nor exceed in any fiscal year \$1,000,000,000.

"(c) The Administrator shall utilize the funds transferred to the investment fund as provided in subsection (b) of this section to purchase loans pursuant to commitments issued as provided by subsection (a) of this section. In addition, the Administrator may utilize available funds of such investment fund to purchase (at par plus accrued interest) direct loan assets of the direct loan revolving fund and the entire proceeds of any such sale of direct loan assets shall be deposited in the direct loan revolving fund and be available thereafter for the purposes of that fund. The insurance fund shall be paid interest on all funds transferred to the investment fund at the same rate as the average interest rate on loans purchased by the Administrator less 1 per centum but in no event less than the average return on the other invested portion of the national service life insurance fund. All moneys received by the Administrator in the repayment of such loans shall be deposited in the investment fund and shall also be available, until June 30, 1975, for the purchase of loans pursuant to commitments issued as provided in subsection (a) of this section, and for the purchase of direct loans as provided for in the second sentence of this subsection, except that if the Administrator at any time determines that the balance in the investment fund is in excess of anticipated needs for the purchase of loans, he may so notify the Secretary of the Treasury, who shall then transfer such excess to the insurance fund. All collections of interest on loans purchased and all nonrefundable commitment fees received pursuant to the authority in subsection (a) of this section shall be deposited in the investment fund by the Administrator, who shall, after determining the amount to be retained in the investment fund as a reserve for expenses and losses, periodically notify the Secretary as to the amount of such interest collections available for transfer to the insurance fund and the Secretary thereupon shall effect such transfers. Such transfers shall constitute the payment of interest to the insurance fund. After June 30, 1974, all moneys received in the repayment of loans purchased pursuant to (subsection (a) of) this section and all interest collections on such loans, except for such sums which the Administrator determines to be necessary for retention in the investment fund as a reserve for losses, shall be deposited in the insurance fund. Interest collections so deposited shall constitute the payment of interest to the insurance fund.

"(d) In the event of a deficiency in the investment fund reserves for expenses and losses, the Administrator is hereby authorized and directed to transfer to the investment fund from available funds of the loan guaranty revolving fund or the direct loan revolving fund such sum or sums as may be necessary to defray such deficiency. For the purposes of this subsection the Administrator shall accord priority to the utilization of available funds of the direct loan revolving fund to the elimination of such deficiency notwithstanding the obligations of that fund in respect to advances theretofore made by the Secretary of the Treasury pursuant to section 1823 of this chapter.

"(e) The Administrator may sell, and shall offer for sale, any loan purchased under the authority of this section at a price determined by the Administrator, but not less than the price paid by the Administrator to purchase the loan (i.e., the percentage of the unpaid balance of the loan), plus accrued interest. The Administrator may, in respect to loans (originated under section 1810 and subsequently purchased by him, guarantee any loan) thus sold, guarantee

any such loans subject to the same conditions, terms, and limitations as would be applicable were the loans guaranteed under section 1810 of this chapter.

"(f) Notwithstanding any of the foregoing provisions of this section, the Administrator, when authorized by appropriation Acts so to do, may set aside first mortgage loan assets of the investment fund as the basis for the sale of participation certificates pursuant to and in accordance with the provisions of the Participation Sales Act of 1966 (Public Law 89-429), and until June 30, 1974, the proceeds of any sale of such participation certificates shall be deposited in the investment fund and be available for the purposes of that fund. After June 30, 1974, the proceeds of any sales of such participation certificates shall be deposited in the insurance fund.

"(g) In the administration and management of the investment fund the Administrator shall, to the extent feasible, invest the funds thereof in loans which will represent a broad spectrum of the veteran homebuying population in respect to age, income, and location of the properties which will constitute the loan securities. In order to facilitate a more adequate supply of mortgage financing for veterans in the lower and middle income brackets the Administrator shall purchase only loans not in excess of \$30,000 which are secured by single family dwellings only. The Administrator is authorized to adopt such standards, policies, and procedures and to promulgate such regulations as he considers necessary or appropriate for carrying out his functions and responsibilities under this section. In carrying out such functions and responsibilities the Administrator may contract with private entities for the servicing of any loans purchased by him for the investment fund provided that the servicing fee payable pursuant to any such contract shall not exceed the Administrator's estimate of the cost of the direct servicing of such loans by agency employees."

(b) The analysis of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following:

"1828. Investment of funds of the national service life insurance fund in first mortgage loans guaranteed under section 1810 of this chapter."

SEC. 2. Paragraph (1) of section 1811(c) of title 38, United States Code, is amended to read as follows:

"(1) he is unable to obtain from a private lender in such housing credit shortage area, at a discount charge for the purchase of existing housing to the home sellers or builders not in excess of the discount involved in the latest average auction price of the Federal National Mortgage Association's ninety-day purchase commitments, and for the purchase of a newly constructed or to be constructed home, at a discount charge to the home sellers or builders not in excess of the discount involved in the latest average auction price of the Federal National Mortgage Association's purchase commitments for the period of twelve to eighteen months."

SEC. 3. Section 720 of title 38, United States Code, is amended by adding at the end thereof the following new subsection (c):

"(c) The Secretary of the Treasury is authorized and directed to transfer from such fund to the investment fund established under section 1828 of this title such amounts as the Administrator may from time to time request pursuant to such section, and shall transfer from the investment fund to the national service life insurance fund, upon notification by the Administrator, such amounts as the Administrator determines are available for such transfer pursuant to the provisions of such section."

EXHIBIT 1

RESOLUTION 359—GI MORTGAGE INTEREST RATES

Whereas, one of the rights granted to veterans under the GI Bill is guaranteed mort-

gages for the purchase of new or existing homes; and

Whereas, the Veterans of Foreign Wars has always advocated a statutory ceiling on interest rates on GI loans for veterans since the original 4% was established in the GI Bill for World War II veterans; and

Whereas, because of existing tight money and high interest rates, the GI home loan program, although still a program of considerable magnitude, has greatly dwindled because mortgage money for long term GI loans is not plentiful; and

Whereas, the Veterans of Foreign Wars strongly believes GI home loan assistance should be a meaningful benefit, which assistance is crucial to the Vietnam veteran during this period of a national housing shortage; and

Whereas, the present interest rate on GI home loans is 7½%, subject to a recommendation by the Commission on Mortgage Interest Rates, which has made a recommendation to the President which must be acted upon before October 1, 1969; and

Whereas, this Commission has recommended the present statutory ceiling established by Congress of 6% on the interest rate on VA mortgages should be permanently abolished; and

Whereas, the Commission on Mortgage Interest Rates has recommended that interest rates on GI mortgages should be determined in the market place without regard to any administrative or statutory ceiling or, in the alternative, if ceilings are established by the VA and Secretary of HUD, as at present, then discounts should be permitted between the borrower and the seller; and

Whereas, this recommendation by this Commission must be acted upon by the Congress; and

Whereas, the House Committee on Veterans' Affairs has completed hearings during this 91st Congress to provide for the use of a portion of the NSLI trust fund to be funneled into GI home loan mortgages; now, therefore

Be it resolved, by the 70th National Convention of the Veterans of Foreign Wars of the United States, that we urge Congress to provide for a statutory ceiling on GI loans coupled with authority for the Veterans Administrator to establish the rate within the maximum ceiling; and

Be it further resolved, that we strongly oppose the removal of the statutory ceiling as recommended by the Commission on Mortgage Interest Rates and its alternative recommendation that if there is a ceiling, discounts will be charged to veterans which would be nothing more than a license to pick the pockets of veterans; and

Be it further resolved, that we strongly recommend that a part of the NSLI trust fund be made available for GI home loans; and

Be it further resolved, that we recommend that the direct home loan program be greatly increased to provide more homes for veterans in small town and rural areas where home loan mortgage money is practically nonexistent.

(Adopted at the 70th National Convention of the Veterans of Foreign Wars of the United States held at Philadelphia, Pennsylvania, August 15 through 22, 1969.)

MORE HOUSING FOR VETERANS

Mr. CRANSTON. Mr. President, in passing the Housing Act of 1969, Congress set as its goal the construction of 26,000,000 additional housing units in the next decade. To date, little progress has been made toward this end.

Recent figures show that housing starts are down so far this year by nearly one-third. The President's Housing Secretary, in conceding that the outlook is even gloomier, stated that housing

starts will probably be down 50 percent by the end of the year.

Housing is obviously one of the principal victims of the administration's anti-inflationary policies. Tight money policies mean little or no money for housing.

The Federal National Mortgage Association—Fannie Mae—has done an admirable job in making money available for FHA, VA, and other Government-guaranteed housing programs. But for Fannie Mae's activities, money for these loans would have long since evaporated.

Today, I am pleased to cosponsor legislation introduced by Senator YARBOROUGH—S. 3008—which would inject new money into the mortgage market for VA-guaranteed housing loans. I congratulate Senator YARBOROUGH, who has authored so much vital veteran's legislation, on his introduction of this measure. The bill would establish an investment fund which would utilize money transferred from the national service life insurance fund. The investment fund would pay interest on all money so transferred. It is contemplated that as much as \$5 billion could be accumulated in the investment funds over a 5-year period. The money in the fund would be used to purchase both VA guaranteed and direct loans.

This bill would be an important step toward providing our returning veterans with some protection against the demoralizing effects of an inflationary economy. Vietnam veterans are encountering increased difficulty in finding reasonably well paying jobs in a depressed employment market. Making housing loans at reasonable interest rates more readily available to these veterans will aid significantly in their readjustment to civilian life.

The new program which S. 3008 would establish fits extremely well with the comprehensive veterans education and training bills which the Labor and Public Welfare Committee today unanimously ordered favorably reported, upon recommendation by the Veterans' Affairs Subcommittee, which I am privileged to serve as chairman.

In addition to making more money available for VA housing, the legislation would have the effect of allowing more of Fannie Mae's funds to be used for FHA and other Government-assisted housing programs. The Nation's housing shortage is approaching crisis proportions. I fervently hope that this legislation will have speedy congressional approval and executive implementation.

S. 3013—INTRODUCTION OF A BILL ESTABLISHING A PROGRAM FOR THE PRESERVATION OF ADDITIONAL HISTORIC PROPERTIES THROUGHOUT THE NATION

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Senate Interior Committee (Mr. ALLOTT) and myself, I introduce, for appropriate reference a bill to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

This measure was submitted and recommended by the Advisory Council on Historic Preservation, and I ask unanimous consent that the letter from the Chairman of the Council accompanying the proposed draft of legislation and a statement explaining it be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter and statement will be printed in the RECORD.

The bill (S. 3013), to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. ALLOTT), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The material furnished by Mr. JACKSON follows:

ADVISORY COUNCIL
ON HISTORIC PRESERVATION,
Washington, D.C., October 6, 1969.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes."

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

The Advisory Council on Historic Preservation was established in accordance with title II of the Act of October 15, 1966. Section 202(b) requires that the Council submit annual reports to the President and the Congress and that it shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations.

At its meeting in Washington on July 20-21, 1967, the Advisory Council on Historic Preservation adopted resolutions favoring an expansion of its membership and participation by the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre). The Council reaffirmed its recommendation in favor of this proposal at its meeting in Washington on February 5-6, 1969.

EXPANDED MEMBERSHIP OF THE COUNCIL

The Council recommends that the Secretary of Agriculture, the Secretary of Transportation, and the Secretary of the Smithsonian Institution be afforded membership on the Council. It also recommends that the Chairman of the National Trust for Historic Preservation, like other statutorily designated members, be afforded the privilege of designating an alternate. Section 1 of the enclosed draft of bill offers the amendments necessary to accomplish these recommendations.

The Secretary of Agriculture's responsibility in historic preservation stems from his administration of tremendous acreages of Federal land which may contain historic or prehistoric ruins, or objects of antiquity. The Department of Transportation Act of October 15, 1966 (80 Stat. 931), transferred to the Secretary of Transportation duties and responsibilities respecting the highway and road building program of the Federal Government. Subsection 2(b)(2) of the Act de-

clares it to be the national policy, in carrying out the provisions of the Act, to make a special effort to preserve historic sites. Section 15(a) of the Federal-Aid Highway Act of 1966 (80 Stat. 766) declares a similar policy. By virtue of the National Museum Act of 1966, approved October 15, 1966 (80 Stat. 953), the Secretary of the Smithsonian Institution has responsibility for a program of national and international research, training, and publication to assist the museum profession in preserving the cultural heritage of the Nation. In addition, the Smithsonian is the custodian of national collections in historic, art, and science.

Inclusion of the Secretaries of Agriculture, Transportation, and the Smithsonian Institution in the membership of the Advisory Council on Historic Preservation will thus strengthen the Council and facilitate its coordination responsibility by providing membership to a broader spectrum of the Nation's involvement in historic preservation.

PARTICIPATION IN THE ROME CENTRE

The International Centre for the Study of the Preservation and the Restoration of Cultural Property (Rome Centre) was established by UNESCO, in 1958, as an independent intergovernmental organization of professional conservators, to:

"(a) collect, study and circulate documentation concerned with the scientific and technical problems of the preservation and restoration of cultural property;

"(b) coordinate, stimulate or institute research in this domain, by means, in particular, of commissions to bodies of experts, international meetings, publications and exchanges of specialists;

"(c) give advice and recommendations on general or specific points connected with the preservation and restoration of cultural property;

"(d) assist in training research workers and technicians and raising the standard of restoration work." (Article 1, Statutes of the Rome Centre)

Clearly the Rome Centre is engaged in a program which, if the opportunity were available, would enhance the national policy of preserving this country's historical and cultural foundations. Beginning with the Antiquities Act of 1906 (34 Stat. 225), the Congress expressed its concern for the preservation of historic landmarks, historic and prehistoric structures and other objects of historic preservation situated upon lands owned or controlled by the Government of the United States and provided for the protection of these properties.

The Historic Sites Act of August 21, 1935 (49 Stat. 666), declared a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States. Moreover, important implementing authority was provided in that Act, including among others, the authority for the Secretary of the Interior to conduct a survey of properties possessing exceptional value as commemorating or illustrating the history of the United States.

In 1966, the Congress took cognizance of the ever-increasing threats to the preservation of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. The Historic Preservation Act of October 15, 1966 (80 Stat. 915), broadened the national policy to encourage preservation by private individuals. It strengthened and expanded the work then being done under the Historic Sites Act of 1935 by providing a grant program and encouraging the broadest participation at local, regional, state, and national levels, including the participation of the private sector. In establishing the Council, the Act of 1966 charged it with the duty of advising the President and the Congress on matters relating to preservation of such properties, recommending measures to coordinate

public and private preservation efforts, and reviewing plans for Federal undertakings and the undertakings of others involving Federal assistance.

In view of the very clear national policy of historic preservation and the advisory and coordinating responsibilities now assigned to it, the Council, at its meeting of July 21, 1967, and on February 5-6, 1969, adopted resolutions recommending legislation which would authorize United States participation in the Rome Centre and which would recognize the advisory and coordinating functions of the Council with respect to such participation.

It is in these circumstances that the Council transmits, as section 2 of the enclosed draft of bill, language amending the Historic Preservation Act of 1966 so as to authorize United States participation in the Rome Centre.

Pursuant to section 2 of the proposed bill, the Council will make recommendations to the Department of State as to the individuals who will be designated as the official delegates and alternates to take part in the activities of the Rome Centre on behalf of the United States. According to the statutes of the Rome Centre, these individuals "should be chosen from amongst the best qualified technical experts of specialized institutions concerned with the preservation and restoration of cultural property."

In order to provide for the participation of the many public and private organizations concerned with the technical problems of preservation, the Smithsonian at the request of the Council will hold periodic meetings of qualified experts from such organizations to consider their professional problems and needs and to submit proposals to the Council and a list of specialists who might appropriately be designated as delegates or alternates to the Centre. The Council, pursuant to its existing authority, will make such recommendations as to delegates, policies, coordination, and other matters pertaining to the Rome Centre, as may be appropriate.

Through enactment of the enclosed draft of bill, the advisory and coordinating responsibilities of the Council will be utilized so as to obtain from United States participation in the Rome Centre the greatest possible benefit to the historic preservation programs of all agencies, public and private.

It is estimated that the United States contribution, for its first year of membership in the Rome Centre, will be approximately \$62,000, and might increase during the next several years to approximately \$90,000. Other expenses incident to United States participation in the activities and functions of the Centre are estimated at \$7,500 in the years in which the Centre holds its biennial General Assembly, and at \$3,500 in other years. On the basis of these estimates, enactment of this legislation would result in appropriation increases as follows: First year following enactment, \$69,500; second year, \$75,000; third year \$89,500; fourth year \$93,500; and fifth year \$97,500.

A statement containing additional details about the Rome Centre, its organization, programs and activities, and the estimated cost of the United States membership is enclosed.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

S. K. STEVENS, Chairman.

THE PRESERVATION OF CULTURAL
PROPERTY—THE ROME CENTRE
(Statement on amendment to the act of
October 15, 1966 (80 Stat. 915))

I. THE PRESERVATION OF CULTURAL PROPERTY

The material evidence of our culture and history includes a wealth of historic buildings, monuments, museum objects, books, and archives, in the United States and abroad, which are rapidly deteriorating and

which are irreplaceable. For both public and private custodians of cultural property there is an increasing need for new and improved techniques and a critical shortage of trained experts in conservation and restoration. Although the United States has highly qualified experts in the conservation of paintings, our competence in many other fields such as the preservation of metals, wood, or stone, particularly in outdoor environments, is quite limited; and in all areas the number of trained personnel is inadequate to prevent the destruction of a substantial portion of our cultural inventory. Centers for research and training in these specialized fields have been established in other countries, notably in Europe.

II. COOPERATION WITH CONSERVATORS OF OTHER NATIONS

There is widespread agreement that an essential step in the timely solution of this problem is to join with conservators of other nations in cooperative programs of training and research and, by coordination of separate efforts and exchange of information in the numerous areas of conservation, to make the most effective use of the special talents available in each nation. The International Centre for the Study of the Preservation and the Restoration of Cultural Property (Rome Centre) was established to provide for such cooperation on a world-wide inter-governmental basis. In response to communications from a great many public and private organizations concerned with conservation, the Department of State in October 1966 announced its support of United States membership in the Rome Centre.

III. SUPPORT FOR COOPERATION THROUGH THE ROME CENTRE

The proposed United States membership in the Rome Centre has the support of virtually every public and private organization concerned with conservation. Many of these organizations were represented at a meeting, held at the Smithsonian in January 1967, which reaffirmed and approved the proposal for Rome Centre membership.

In June 1967 the United States National Commission for UNESCO passed, unanimously, a resolution giving "its full support to United States membership in the Rome Centre, at the earliest possible date, as being consistent with and in furtherance of the interests of the United States in the preservation of cultural property both in this nation and abroad."

In addition, United States membership in the Rome Centre was a first priority recommendation of the Cultural and Intellectual Exchange Committee of the White House Conference on the International Cooperation Year, as stated in the ICY Report issued by the Subcommittee on International Organizations and Movements of the House Committee on Foreign Affairs, June 13, 1966.

On July 21, 1967, the Advisory Council on Historic Preservation adopted a resolution authorizing the Council's Chairman to sponsor legislation to effect United States membership in the Rome Centre. The proposed legislation was introduced in the Senate, but action on it was deferred during the 90th Congress.

IV. STUDY OF THE ROME CENTRE AND RECENT ACTIVITIES

In view of this widespread interest in action to secure for the United States the benefits of membership in the Rome Centre, the Smithsonian in April 1967 sent the Director of the National Museum and the Smithsonian General Counsel as United States observers to the fourth biennial session of the Centre's General Assembly. This provided additional useful knowledge, at first hand, of the procedures of the Assembly and the Council, the professional concerns of the individual delegates, the organization of the

Centre's staff, its achievements, and its programs. In reviewing programs and activities, it was learned that although the United States is not yet a member of the Centre, its Director, Dr. Harold Plenderleith, spent several weeks in May 1967 in Honolulu assisting the Bernice P. Bishop Museum, the Honolulu Academy of Arts, and the East West Center at the University of Hawaii, in establishing a museum training program for museum directors from the Pacific and Southeast Asia.

Following the 1967 meetings of the General Assembly of the Rome Centre, a trip to flood-ravaged Florence, which so many Americans have given their time and money to save, gave evidence of the important role of the Centre during the rescue operations and its activities as the official coordinator of technical assistance, for UNESCO and the Italian government, in the restoration program estimated to take from five to twenty years to complete.

V. THE ORGANIZATION OF THE ROME CENTRE

The Rome Centre was established by UNESCO, in 1958, as an independent inter-governmental organization of professional conservators, to:

"(a) collect, study and circulate documentation concerned with the scientific and technical problems of the preservation and restoration of cultural property;

"(b) co-ordinate, stimulate or institute research in this domain, by means, in particular, of commissions to bodies or experts, international meetings, publications and exchanges of specialists;

"(c) give advice and recommendations on general or specific points connected with the preservation and restoration of cultural property;

"(d) assist in training research workers and technicians and raising the standard of restoration work." (Article 1, Statutes of the Rome Centre)

Membership in the Centre is open to any member state of UNESCO. The annual contribution of each member is an amount equal to one percent of its contribution to UNESCO.

The governing body of the Centre, its General Assembly, in which each member state has one vote, meets in Rome every two years to decide on the policies, activities, and budget of the Centre and to elect the members of the Council. The delegates to General Assembly "should be chosen from amongst the best qualified technical experts of specialized institutions concerned with the preservation and restoration of cultural property." (Article 5, Statutes)

The Council has five statutory members and eight members elected by the General Assembly. The statutory members are:

A representative of the Director-General of UNESCO;

A representative of the Italian Government;

The Director of the Institute Royal do Patrimoine Artistique, Brussels;

The Director of the Istituto Centrale del Restauro, Rome;

A representative of the Conseil International des Musees (ICOM)."

Every two years the General Assembly elects the eight other members of the Council. Although no two elected members may be of the same nationality, they are chosen on the basis of their individual professional qualifications. (Article 7e, Statutes). The United States delegate would be eligible for election to the Council at the first General Assembly after the United States joins the Centre. The Council meets as often as necessary during its two-year term to carry out the decisions and directives of the General Assembly and to review the budget and plan of work for the next period, as submitted by the Director.

The Director and the permanent professional staff are the Secretariat of the Centre.

The Director is appointed by the General Assembly on the proposal of the Council, and the professional staff is appointed by the Council on the proposal of the Director. The Director and his assistants must be specialists in different branches of study and may not be of the same nationality.

The headquarters of the Secretariat, its offices, library, lecture room, and laboratory, are located in Rome near the Istituto Centrale del Restauro, with which it collaborates in teaching and research projects. Under a continuing agreement, the Italian government, in addition to contributing as a member of the Centre, provides the Centre's premises equipment, and utilities, the salaries of the Centre's administrative staff, and a number of scholarships for the training programs of the Centre.

VI. PROGRAMS AND ACTIVITIES OF THE ROME CENTRE

Although the Centre's staff and budget are still quite small relative to the demand for research, training, and advice, in all types of conservation, the effectiveness of the Centre as a planning and coordinating organization is evidenced by its continuing growth from an original membership of five to the present fifty member states. As a result of this increasing support during its first ten years, the Centre has made substantial progress in each of its five areas of activity: publication documentation, research, training, and missions.

Of particular interest to the United States were the Council meeting held in New York in September 1965, the consultative missions of the Director to Boston and Williamsburg in September-October 1965, the meetings organized in Rome in November 1965 for the United States Special Committee on Historic Preservation, the conference in Brussels in February 1966 on the Conservation of Stone in which an American expert participated, the rescue work in Florence, the technical meetings organized (with ICOM) in Washington and New York, and the Director's mission to Honolulu. On the other hand, it should be noted that since the United States is not yet a member of the Centre, American applicants for the Centre's courses on the conservation and restoration of historic monuments could not be accepted.

Although all of the Centre's activities are interrelated, the highest priority in the Centre's future growth will be given to expanding its courses for training specialists in conservation. To make the most effective use of available resources, this will be done, not by major additions to the permanent staff in Rome, but by organizing additional courses in collaboration with existing institutions and inviting foreign specialists to participate for limited periods as needed. It is contemplated that the Centre will concentrate on advanced training to produce individuals qualified to teach others their own specialty.

In general, the basic training prerequisite to these advanced courses will have to be provided on a national or regional basis. For this reason, the Director has devoted a number of missions to assisting in the establishment of regional museum training centers. With support from UNESCO, regional centers have been established in India and Nigeria, and are being developed in Mexico and Hawaii, while several others are in the planning stage.

VII. ESTIMATED COSTS OF UNITED STATES MEMBERSHIP IN THE ROME CENTRE

Under the established formula the maximum annual contribution of the United States to the Rome Centre during 1969 and 1970 would be 1 percent of its UNESCO contribution (\$10,835,907) or \$106,359. In April 1967, the General Assembly of the Rome Centre unanimously adopted a resolution limiting the contribution of any member state to 30 percent of the total. Based on

annual contributions of present members in the amount of \$144,820, during 1969 and 1970, the annual contribution of the United States would be \$62,066 during this period.

In addition to the 50-member States now participating, it is known that a number of countries are actively considering membership in the Rome Centre, and it is believed that several others might join following United States adherence. Additional support for the Centre will gradually bring the United States annual contribution nearer the \$106,359 limit under the one percent formula. An informed estimate would place the actual figure between \$65,000 and \$90,000 during the next several years. Other expenses incident to United States participation in the activities and functions of the Centre are estimated at \$7,500 in the years in which the General Assembly meets and at \$3,500 in other years.

S. 3014—INTRODUCTION OF A BILL DESIGNATING CERTAIN LANDS AS "WILDERNESS"

Mr. JACKSON. Mr. President, on behalf of myself and five of my colleagues—Mr. ANDERSON, Mr. MONTOYA, Mr. MAGNUSON, Mr. STEVENS, and Mr. GRAVEL—I introduce, for appropriate reference, a bill to designate 14 new areas as part of the National Wilderness Preservation System.

All involve land within Federal wildlife refuges, and all have been studied and recommended for inclusion under provisions of the Wilderness Act. They include lands within:

The Hart Mountain National Antelope Refuge, the Malheur National Wildlife Refuge, the Three Arch Rocks, and Oregon Islands National Wildlife Refuges, all in Oregon; the Bering Sea, Bogoslof, Tuxedni, St. Lazaria, Hazy Islands, and Forrester Island National Wildlife Refuges, all in Alaska; the Copalis, Flattery Rocks, and Quillayute Needles National Wildlife Refuges in the State of Washington, and the Bitter Lake National Wildlife Refuge in New Mexico.

Maps of the proposed wilderness areas are on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife of the Department of the Interior.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3014), to designate certain lands as wilderness, introduced by Mr. JACKSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3015—INTRODUCTION OF THE DRUG ABUSE EDUCATION ACT OF 1969

Mr. HATFIELD. Mr. President, I am introducing today the Drug Abuse Education Act of 1969, a bill which would provide Federal funds to meet this Nation's critical problem in combating the use and abuse of dangerous drugs.

Writing in a provocative book, "The Drug Scene," Dr. Donald B. Louria said:

The general public still appears to be appallingly misinformed regarding drugs, their abuse, the nature of their users and the genesis of the problem.

Mr. President, this bill seeks to dispel some of the ignorance surrounding the use of drugs. It would provide \$29 million over a 3-year period to support the following kinds of activities:

First. Development of courses on drug abuse for elementary and secondary and adult education programs.

Second. Demonstration projects for testing the effectiveness of these courses.

Third. Dissemination of the results of the demonstration projects.

Fourth. Training in drug abuse education for schoolteachers, law enforcement officers, and community leaders.

Fifth. Development of community education programs on drug abuse, especially for parents.

Sixth. Aid to State education agencies in helping school systems plan drug abuse education programs.

In the House, the Select Subcommittee on Education, chaired by Congressman JOHN BRADEMAS, of Indiana, held hearings on the bill in Washington, New York, Los Angeles, Seattle, and Indiana.

Congressman BRADEMAS, who, along with Congressman LLOYD MEEDS, of Washington, has been one of the forces behind the legislation, said:

The problem of drug abuse goes beyond law enforcement. It is also a problem with deep social and psychological roots. The first step in getting to these roots should be a comprehensive program of education on the dangerous effects of drugs.

Mr. President, the House Education and Labor Committee has reported this bill unanimously. The measure knows no partisan or philosophical boundaries. I hope that we shall act on this legislation in the Senate so that a concerted effort can be made to confront the alarming drug problem in our Nation.

At this point, I would like to insert a section-by-section analysis and the full text of the Drug Abuse Education Act of 1969.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and the section-by-section analysis will be printed in the RECORD.

The bill (S. 3015), to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3015

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 "Drug Abuse Education Act of 1969".

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that drug abuse diminishes the strength and vitality of the people of our Nation; that such abuse of dangerous drugs is increasing in urban and suburban areas; that there is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse; and that prevention and control of such drug abuse require intensive and coordinated efforts on the part of both governmental and private groups.

(b) It is the purpose of this Act to encourage the development of new and improved curricula on the problems of drug abuse; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and others, on drug abuse problems.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are hereby authorized to be appropriated \$7,000,000 for fiscal year, beginning July 1, 1970, \$10,000,000 for the fiscal year beginning July 1, 1971, and \$12,000,000 for the fiscal year beginning July 1, 1972 for the purpose of carrying out this Act. Sums appropriated pursuant to this section shall remain available until expended.

SEC. 4. (a) From the sums appropriated pursuant to section 3, the Secretary of Health, Education, and Welfare, hereinafter referred to in this Act as the "Secretary", shall assist in educating the public on the problems of drug abuse by—

(1) making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations, for—

(A) projects for the development of curricula on the use and abuse of drugs, including the preparation of new and improved curricular materials for use in elementary, secondary, and adult education programs;

(B) pilot projects designed to demonstrate, and test the effectiveness of curricula described in clause (A) (whether developed with assistance under this Act or otherwise);

(C) in the case of applicants who have conducted pilot projects under clause (B), projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, and adult education programs;

(2) undertaking, directly or through contracts or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations, evaluations of the effectiveness of curricula tested in use in elementary, secondary, and adult education programs involved in pilot projects described in paragraph (1)(B);

(3) making grants to institutions of higher education and local educational agencies to provide preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders;

(4) making grants to local educational agencies and other public and private nonprofit organizations for community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and others in the community.

(b) In addition to the purposes described in subsection (a), the Secretary may make available not to exceed 5 per centum of the sums appropriated to carry out this Act for each fiscal year for payment of the reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of drug abuse education programs.

APPROVAL OF APPLICATIONS

SEC. 5. (a) Financial assistance for a project under this Act may be made only upon application at such time or times, in such manner, and containing or accompanied by

such information as the Secretary deems necessary, and only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) provides for carrying out one or more projects or programs eligible for assistance under section 4 and provides for such methods of administration as are necessary for the proper and efficient operation of such projects or programs;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 4, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

INTERAGENCY COORDINATING COUNCIL ON DRUG ABUSE EDUCATION

SEC. 6. (a) The Secretary shall establish an Interagency Coordinating Council on Drug Abuse Education which shall consist of the Secretary (or his designee) as Chairman, the Attorney General (or his designee), the Commissioner of Education, the Director of the National Institute of Mental Health, and with the consent of such other Departments or agencies as the Secretary may from time to time designate as having a substantial interest in the field of drug abuse education, representatives of such Departments and agencies.

(b) The Council shall advise in the coordination of the respective activities of the Federal Departments and agencies concerned in drug abuse education.

(c) The Secretary of Health, Education, and Welfare shall promulgate regulations establishing the procedures for consultation with other agencies and with other appropriate public and private agencies.

(d) The Secretary of Health, Education, and Welfare may not approve an application for assistance under this Act unless he has given the Interagency Coordinating Council an opportunity to review the application and make recommendations thereon within a period not to exceed sixty days.

ADVISORY COMMITTEE ON DRUG ABUSE EDUCATION

SEC. 7. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Drug Abuse Education, which shall—

(1) advise the Secretary concerning the administration of, preparation of general regulations for, and operation of, programs supported with assistance under this Act;

(2) make recommendations regarding the allocation of the funds under this Act among the various purposes set forth in section 4 and the criteria for establishing priorities

in deciding which applications to approve, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review applications and make recommendations thereon;

(4) review the administration and operation of projects and programs under this Act, including the effectiveness of such projects and programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this act) to the Secretary for transmittal to the Congress; and

(5) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Drug Abuse Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons familiar with education, mental health, and legal problems associated with drug abuse, young persons, ex-users, parents and others familiar with drug use and abuse. The Committee shall meet at the call of the Chairman or of the Secretary.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

SEC. 8. The Secretary of Health, Education, and Welfare and the Attorney General shall, when requested, render technical assistance to local educational agencies, public and private nonprofit organizations and institutions of higher education in the development and implementation of programs of drug abuse education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of coping with problems of drug abuse, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare and the Department of Justice, or other persons qualified to advise and assist in coping with such problems or carrying out a drug abuse education program.

PAYMENTS

SEC. 9. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 10. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

DEFINITIONS

SEC. 11. As used in this Act—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the

Virgin Islands, and the Trust Territory of the Pacific Islands.

The section-by-section analysis furnished by Mr. HATFIELD follows:

DRUG ABUSE EDUCATION ACT OF 1969

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE. The short title of the bill is the "Drug Abuse Education Act of 1969."

SEC. 2. FINDINGS AND PURPOSE. (a) The bill states a congressional finding that drug abuse "diminishes the strength and vitality of the people of our nation," that such abuse is increasing, that there is "a lack of authoritative information and creative projects designed to educate students and others" in this area, and that government and private efforts are required to remedy the situation.

(b) The purpose of the bill: to encourage the development of new and improved curricula, to demonstrate their use and evaluate their effectiveness in model programs, to disseminate educational materials, to provide training programs for teachers, counselors, law enforcement officials and other public service and community leaders, and to offer community education programs for parents and others.

SEC. 3. FUNDING AUTHORIZATION. The bill authorizes appropriations for a 3-year period. The fiscal year 1971 authorization is \$7 million; fiscal year 1972 is \$10 million; and for fiscal year 1973, \$10 million.

SEC. 4(a). PROGRAMS. The funds appropriated for this act may be utilized by the Secretary of Health, Education, and Welfare for the following:

1. *Research.* He may make grants or let contracts with institutions of higher education, other public or private agencies, institutions and organizations for:

(A) curriculum development and preparation on the use and abuse of drugs;

(B) pilot projects to test the effectiveness of such curricula;

(C) dissemination of curricular materials and other information to public and private elementary, secondary and adult education programs for applicants who have conducted pilot projects under (B).

2. *Evaluation.* He may make grants or contracts or other arrangements with institutions of higher education or other public or private institutions, agencies, etc. for evaluating the effectiveness of curricula developed in pilot projects described in 1(B), or conduct such evaluations directly.

3. *Training.* He may make grants to institutions of higher education and to local educational agencies for preservice and inservice training programs on drug abuse for teachers, counselors, law enforcement officials and other public service and community leaders.

4. *Community Programs.* He may make grants to local educational agencies and other public and private nonprofit organizations for community education programs on drug abuse (including seminars, workshops and conferences) especially for parents and others in the community.

(b) GRANTS TO STATES. The Secretary may utilize up to 5 percent of the funds appropriated to pay reasonable and necessary expenses of State educational agencies for planning, development and implementation of drug abuse education programs.

SEC. 5. APPLICATIONS.

(a) Applications for assistance under this act must—

(1) provide that the activities or services being assisted will be administered by or under the supervision of the applicant;

(2) provide for carrying out one or more projects or programs eligible for assistance under section 4, and provide for proper and efficient project management;

(3) assure that Federal funds under this act will be used to supplement, and to the extent practical, increase the level of funds

made available at the local level for this purpose, and not to supplant local funding;

(4) provide for necessary fiscal control and fund accounting procedures;

(5) provide for annual reports to the Secretary and such other reports as he may reasonably require.

(b) Applications from local educational agencies may only be approved by the Secretary if the State agency has been advised and afforded an opportunity to comment.

(c) Applications may be amended, subject to appropriate regulations.

SEC. 6. INTERAGENCY COORDINATING COUNCIL. No application for assistance may be approved unless the Secretary has afforded the Commissioner of Education, the Attorney General, the Director of the National Institute of Mental Health, and the head of such other Departments and agencies as the Secretary shall designate, 60 days to comment thereon. The Secretary of Health, Education, and Welfare may establish procedures for consultation with these and other Federal agencies.

SEC. 7. ADVISORY COMMITTEE. The Secretary of Health, Education, and Welfare shall appoint a 21-member Advisory Committee on Drug Abuse Education, consisting of persons familiar with education, mental health, and legal problems associated with drug control, ex-users, parents and others familiar with drug use and abuse. Committee members may be paid the standard WAE compensation.

The Commission shall—

(1) advise the Secretary on administration and operation of, and regulations for, programs assisted under the act;

(2) make recommendations regarding the allocation of funds under the act among the various purposes set forth in section 4, and criteria for establishing priorities, including those designed to achieve appropriate geographical distribution of approved projects;

(3) review applications and make recommendations on project applications;

(4) review the administration of programs under the act, and make recommendations to the Secretary (including recommendations for amendments to the act); and

(5) evaluate programs and projects under the act and disseminate the results of such evaluations.

SEC. 8. TECHNICAL ASSISTANCE. The Secretary of Health, Education, and Welfare and the Attorney General may make technical assistance available to local educational agencies, public and private nonprofit organizations and institutions of higher education in the development and implementation of drug abuse education programs. This assistance may include making available information or personnel.

SEC. 9. PAYMENTS. Payments under the act may be made in installments and in advance, or by way of reimbursement.

SEC. 10. ADMINISTRATION. The Secretary may utilize the services of other Federal or other public or private agencies, to be paid for or reimbursed by agreement.

SEC. 11. DEFINITIONS. This section defines terms used in the bill, in general conformity with other education legislation.

SENATE CONCURRENT RESOLUTION 39—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO WITHDRAWAL OF U.S. FORCES FROM VIETNAM

Mr. McGOVERN. Mr. President, I submit for myself and Senators CRANSTON, RIBICOFF, YOUNG of Ohio, CHURCH, HUGHES, and MCCARTHY a concurrent resolution directing that all U.S. forces now be withdrawn from Vietnam, the pace to be limited only by steps to insure: first, the safety of our troops; second, the mutual release of prisoners of

war; and third, the assurance of safety through arrangements for amnesty or asylum in friendly countries for those Vietnamese who might be endangered by our disengagement.

Such a complete disengagement is, I think, the last, best response to a war we cannot win and which our allies do not want to end. And it is the way to end the loss of American lives and resources assisting a political regime abroad which lacks the confidence of its own citizens.

Today, after more than 250,000 American casualties, 40,000 American lives lost, and an inestimable devastation of Vietnamese lives and property, we still preside over the most costly misadventure in our national experience. It is a tragic folly which now tests our capacity to admit error and to build from disaster the foundations for more enlightened judgments in the future.

Paradoxically, we continue to squander our Nation's financial and human resources in Vietnam, after wide acknowledgment that there is no way now to win the war for Saigon, that there is no way to gain on the battlefield or in Paris what that Government long ago forfeited—the allegiance of its own people and the control of its own land.

The Saigon regime today has no actual and little potential political base—its essential constituency is the American military presence on its soil. It is the military regime of Generals Thieu and Ky—not the interest of the peoples of the United States and Vietnam—which is served by continuing our military operations in Vietnam.

In the name of self-determination we entered this civil conflict which has now endured longer than the Revolutionary War, claimed more American lives than the Korean war, produced more American casualties than World War I, and unleashed more American firepower than in all the theaters and all the years of World War II.

It is time to say "Enough." It is time to acknowledge that nothing vital to American security can be salvaged by further military operations in Vietnam.

Our continued presence on the battlefield is today the greatest obstacle to the realization of our best national interests. This is the lesson of these recent years—that a military stalemate is more costly to our vital concerns than it is to those of the NLF or the North Vietnamese. It assures that the leaders of South Vietnam will take no action to build a truly representative constituency which can compete against the NLF for the political allegiance of the Vietnamese people. It deadlocks the Paris negotiations and prevents the scheduling of serious discussions on the release and exchange of prisoners of war. It diverts our energies and resources from critical domestic needs while it threatens a renewal of the divisions and disorders which went so far toward tearing our country apart over these last recent years. What is surely most unacceptable, it asks young Americans to be crippled, maimed, and killed—tomorrow and the next day and the next, with no foreseeable end—in the name of bargaining gains which will never be achieved.

Still, after years of tragedy and frustration, against all the dictates of commonsense and respect for human life, we pursue today a policy of wishful thinking and tired rhetoric.

We have in too great a measure surrendered control of American conduct to foreign capitals which are beyond our control and often unsympathetic to our own best interests. Reductions in the level of violence have been made contingent upon three remote developments—progress at the Paris negotiations, a lessening of the combat operations of the North Vietnamese, and the capacity of Saigon to assume the military burden now carried by American forces.

In the first two instances, we make American policy a prisoner of North Vietnam; and in the last instance, of Saigon. I reject the notion that either Hanoi or Saigon should hold a veto over American foreign policy.

The responsibility of the Congress is not to Saigon but to our own citizens and especially to the young. We can best meet that responsibility by placing the saving of lives above the saving of face. For many months I have believed that there is no other practical course except to begin the systematic removal of all our forces. That process should be completed within a year's time or less. The key question is this: Is the Thieu-Ky regime with all its corruption and repression worth the sacrifice of more thousands of young American lives? This resolution which I now introduce offers a clear no to that question. It is, I believe, a resolution born of patriotic concern for the national interest and a commonsense view of the alternatives that lie ahead.

This resolution calls for the disengagement and withdrawal of our forces in a schedule which is limited only by measures to insure, first, the safety of our men; second, the return of American prisoners of war; and third, the establishment of amnesty or asylum arrangements for those Vietnamese endangered by our disengagement.

It is time to end the slaughter and waste and to fashion a policy of commonsense. It is time for America to redeem both her youth and her ideals.

I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 39) submitted by Mr. McGOVERN, for himself and other Senators, relating to withdrawal of U.S. forces from Vietnam, was received, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. CON. RES. 39

Whereas the war in Vietnam has resulted in the loss of more than 40,000 American lives, in some 250,000 American casualties, in the depletion of American resources to the extent of over \$100 billion, and in inestimable destruction of Vietnamese life and property, and

Whereas the war stands today as the

greatest single obstacle to efforts to focus the country's financial, human and spiritual resources upon urgent domestic needs, and

Whereas spokesmen for the present Administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal, and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support, and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it, and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion: Now, therefore, be it

Resolved by the Senate, and House of Representatives concurring, that it is the sense of the Congress of the United States, That all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangements for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

AGREEMENT WITH RESPECT TO CERTAIN LANDS IN LEE COUNTY, SOUTH CAROLINA—AMENDMENT

AMENDMENT NO. 229

Mr. PROXMIER submitted an amendment, intended to be proposed by him, to the bill (H.R. 9946) to authorize and direct the Secretary of Agriculture to quitclaim retained rights in certain tracts of land to the board of education of Lee County, S.C.

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

POTATO RESEARCH AND PROMOTION ACT—AMENDMENT

AMENDMENT NO. 230

Mr. STEVENS. Mr. President, I would like to submit an amendment to S. 1181, so that the benefits of this bill may be spread more evenly among all the States in the Nation.

Mr. President, the proposed change in the wording of S. 1181 would simply extend the provisions of the act to Alaska and Hawaii. Alaska's potato industry is still in its infancy, but it is growing rapidly. Last year, potatoes moved from third to second place in value of agricultural products produced in my State.

Further, much research is taking place on new strains of potatoes for northern climates which may result in further production increases. Currently, research is underway on virus-free seed potatoes grown in Alaska which have been exported to Oregon and Washington. To

date, the results have been very good, and are highly encouraging for the future of Alaska's potato industry.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 161

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from South Dakota (Mr. McGOVERN), I ask unanimous consent that, at the next printing, the name of the Senator from Wisconsin (Mr. NELSON) be added as a cosponsor of amendment No. 161 to H.R. 13270, to reform the income tax laws.

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

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 9, 1969, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Fla. and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park; and

S.J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

NOTICE OF HEARINGS ON S. 2108

Mr. EAGLETON. Mr. President the distinguished Senator from Texas (Mr. YARBOROUGH), chairman of the Committee on Labor and Public Welfare, and of the Health Subcommittee thereof, has asked me to announce that the Health Subcommittee will hold hearings on November 12 and 13 on S. 2108, a bill sponsored by the Senator from Maryland (Mr. TYDINGS) and other Senators to expand, improve, and better coordinate the family planning services and population research activities of the Federal Government. I will have the privilege of conducting these hearings and all persons interested in testifying or submitting statements should contact Mr. James Murphy of the committee staff, room 4230, New Senate Office Building, telephone extension 7653.

NOTICE OF HEARINGS ON THE "USEFULNESS OF THE MODEL CITIES PROGRAM TO THE ELDERLY"

Mr. WILLIAMS of New Jersey. Mr. President, the U.S. Senate Special Committee on Aging will conclude its study of the "Usefulness of the Model Cities Program to the Elderly" with hearings to be conducted at 10 a.m., October 14 and 15, in room 4200, New Senate Office Building.

Representatives of the Model Cities Administration and the Administration on Aging will be among the witnesses. The study of model cities—which is being conducted by Senator FRANK MOSS

for the full Committee on Aging—has involved field hearings in five cities and an earlier hearing in Washington, D.C.

NOTICE OF HEARINGS ON LAOS

Mr. SYMINGTON. Mr. President, the Subcommittee of the Foreign Relations Committee on U.S. Security Agreements and Commitments Abroad was scheduled to hold hearings on our relations with Laos during the week of October 13. Many members of the subcommittee plan to be out of town next week on official business however, and we are continuing work on the Philippine transcript. Therefore, the Laos hearings will be postponed 1 week, and will start October 20 instead of October 13.

NOTICE OF POSTPONEMENT OF HEARINGS ON BILL TO ESTABLISH A UNIFORM CODE OF ETHICS FOR ALL BRANCHES OF THE GOVERNMENT

Mr. CANNON. Mr. President, I announce, with regret, that the hearings which were scheduled to begin before the Subcommittee on Privileges and Elections on Tuesday, October 14, 1969, must be postponed to a more propitious time.

The bill which was to have been a prime cause for holding public hearings is S. 1993—to establish a uniform code of ethics for all branches, departments, and agencies of the Federal Government.

Letters to a variety of prospective witnesses whose testimony would have been of value to the subcommittee were mailed on September 18, 1969. To date, only one invitee has accepted the invitation to appear in person. Two others have agreed to furnish written statements. The remainder have not acknowledged the receipt of our letters.

Mr. President, in recent years there have been investigations in both Houses of the Congress pertaining to business and financial affairs and ethical conduct of officers and employees and, indeed, of Members. There has been nationwide interest in proceedings to determine qualifications and ethical sensitivities of nominees to the Supreme Court.

In 1964 I recommended that a code of ethics should have the force of law and should be enacted to require broad public disclosure of income, assets, liabilities, and judicial branches of our Government.

During the 1968 debate on S. 266 which was adopted as a code of ethics for the Senate, I offered an amendment which was agreed to by voice vote, expressing the sense of the Senate that there should be a Federal law on ethics—not a resolution or Executive order—and that the law should apply equally to all three branches.

The Department of Justice is unwilling to furnish a witness to appear personally. Neither the chairman of the Democratic nor the Republican National Committees acknowledged my invitation to testify. The American Bar Association has recently created a committee to study canons of legal ethics and that study will not be completed for several months. In short, only one witness is ready to testify

before the subcommittee to submit his views.

Mr. President, I sincerely hope that the absence of witnesses does not reflect merely a lack of interest. We are all busy and it may be that more time is required for thoughts on ethics to become crystallized.

Regretfully, therefore, I am compelled for the time being to postpone the hearings until a later date when, I hope, there will be a greater, more productive response to our call.

NOTICE OF HEARING: TRANS-ALASKA OIL PIPELINE

Mr. JACKSON. Mr. President, the Committee on Interior and Insular Affairs has scheduled a public hearing for October 16 on the Trans-Alaska Pipeline System's application to the Department of the Interior for an 800-mile right-of-way for a 48-inch oil pipeline from Prudhoe Bay to Valdez, Alaska. The hearing will begin at 10 a.m. in room 3110 of the New Senate Office Building.

Secretary Walter J. Hickel of the Department of the Interior in a September 30 letter to the committee stated that if the Interior Committees do not disapprove, the Department will modify Public Land Order No. 4582 withdrawing all of the public lands in the State of Alaska and grant Trans-Alaska Pipeline System the right-of-way permit and other necessary permits for construction of the pipeline. Mr. President, I ask unanimous consent that Secretary Hickel's letter of September 30, the proposed modification of Public Order No. 4582 to permit the granting of a right-of-way, and the proposed stipulations which would govern the construction of the pipeline be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. JACKSON. Mr. President, the purpose of the October 16 hearing will be to take testimony from representatives of the Department of the Interior as well as from scientists, conservationists, and other concerned parties on the impact of the proposed pipeline on the ecology and environment of the public lands which this pipeline will cross. Testimony will also be taken on the adequacy of the proposed stipulations to insure proper development and proper protection of the public's interest in this matter.

Mr. President, the interplay and the relationship between "development" and "conservation" is an old problem that has acquired new significance in recent years. The answers of the past tended to stack the deck in favor of unimpeded and, often, unthinking resource development and exploitation. Historically, the competing and contending forces of the marketplace did not pay much, if indeed any, attention to conservation to the maintenance of environmental values, and to the needs of future generations.

Past practices and the old philosophy are not satisfactory any more. If resource development is to proceed, it must proceed in harmony with environmental

values and sound conservation philosophy. Some of the problems of current concern which will be discussed at the hearing relate to the routing, the design, and the safety features of the proposed pipeline. Others are whether the production of oil on the fragile Arctic environment can proceed without pollution and without causing irreparable damage to other environmental resources.

During the course of Secretary Hickel's confirmation hearing in January of this year, the Secretary reached an agreement with the Senate Interior Committee that he would not modify Public Land Order No. 4582, the so-called land freeze order, without first consulting with the committee. As a result of this agreement, the committee has now been called upon to express its views on Trans-Alaska Pipeline System's application for the 800 mile pipeline right-of-way. The committee's primary interest in this matter, of course, relates to the protection of the rights of the Alaska native people pending a legislative settlement of the Alaska native land claim issue.

The committee, however, also exercises important legislative oversight responsibilities concerning the impact of technology and large-scale resource development on the quality of the environment and the management of the resources on the public lands located in Alaska.

Earlier in the year, at my request, officials and representatives of the major oil companies which are active in Alaska, met with members of the Senate Interior Committee, representatives of the Department of the Interior, and major conservation organizations to discuss ways to minimize the impact of oil development and technology on Alaska's unique scenic, wilderness, and fish and wildlife resources.

As a result of that meeting, the oil industry and representatives of major conservation organizations have formed ad hoc working committees which meet on a regular basis to discuss ways to minimize conservation and environmental problems associated with the proposed pipeline.

In my view these meetings mark a historic and unprecedented effort. Finding ways in which new technology and new development may proceed with a minimum amount of damage to the environment is one of the greatest challenges our Nation and the world faces.

As a result of these meetings and other activities, industry, Government, and private groups are now working together with the objective of planning a major resource development in a manner which will preserve and protect environmental and natural values for the enjoyment of future generations.

It is my view that the Interior Committees of both Houses and the Department of the Interior have an opportunity to establish a standard of excellence and a precedent which should guide all future resource development projects on the public lands.

In view of the uniqueness of Alaska's environment, in view of the dangers involved, and in view of the opportunity to insure orderly and proper development of

Alaska's resources, it is my judgment that if the pipeline right-of-way is approved, the Federal Government should be prepared to commit the needed personnel and funds to provide proper oversight and control of the construction and maintenance of the proposed pipeline as well as any oil development activities taking place on the public lands in Alaska. The Senate Interior Committee held hearings on the Department of the Interior's manpower and funding requirements and capability to oversee oil resource development activities on public lands in Alaska on August 12, 1969. During the hearings, the Bureau of the Budget agreed to give serious consideration to the Department's request for additional funds and manpower to oversee pipeline construction and oil development activities. I have been informed that the President subsequently approved a supplemental request for additional funds for this purpose.

While the cost of proper control is relatively small, the stakes are very high. We have seen the impact of major resource development activities in the past. Too often they result in pollution, erosion, needless deforestation, poor land-use planning and management, and destruction of wildlife values. But there are other dangers also. The safety questions involved in a pipeline which holds over one-half million gallons in every mile of pipe are tremendous. This is especially true in Alaska's Arctic environment where earthquake conditions, extreme temperatures, permafrost, and new technology pose new and difficult engineering questions.

The parallel to the recent Santa Barbara oil spill is obvious. There, however, the Federal Government did not clearly anticipate the dangers involved. Here, the problems and the dangers are anticipated. In my judgment, it would be a violation of the public trust if the administration failed to provide all necessary funds, personnel, and conditions to insure proper development and to guard against a disastrous oil spill in one of the great river basins of Alaska.

Speaking for myself alone, I must confess that I would have very grave reservations about granting approval to the pipeline unless there are very clear assurances that all necessary precautions have been taken by the Federal Government to insure that proper Federal guidelines and controls are designed and implemented.

It is my understanding that the Department of the Interior has done a good job over the past few months in monitoring route selection activities and in preparing specifications for road and pipeline rights-of-way. The President's interagency task force has been active and we all look forward to receiving a report from the task force on its activities and recommendations. The pipeline applicant, Trans-Alaska Pipeline System, has hired and funded the work of ecologists, biologists, and geologists and has conducted extensive testing to insure that environmental and wildlife problems are eliminated or minimized. Copies of their studies and reports have been

made available to the committee and will be included in the October 16 hearing record.

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

THE SECRETARY OF THE INTERIOR,
Washington, D.C., September 30, 1969.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On June 9, 1969, the Bureau of Land Management received an application from the Trans-Alaska Pipeline System for an 800-mile right-of-way from Prudhoe Bay to Valdez, Alaska.

As a matter of course, your Committee has been kept informed of major steps taken by the Department in processing this application. These steps include: (1) the set of 79 questions addressed to the Trans-Alaska Pipeline System and their answers; (2) the August edition of proposed stipulations for the right-of-way which were distributed for outside review; and (3) the public hearings on the pipeline application held in Fairbanks on August 29-30.

The Department of the Interior has given careful attention to the interrelated problems—environmental, technological, social, and legal—involved with this project. The culmination of this effort is reflected in the enclosed set of stipulations designed to accompany and condition the right-of-way permit. The Federal Task Force on Alaskan Oil Development, which I established at the request of the President, has provided interagency coordination during this effort.

Enclosed also is a draft of a public land order which would modify PLO 4582 (the land freeze order) to allow for the lifting of the blanket freeze for the 800-mile right-of-way from Prudhoe Bay to Valdez.

During my confirmation hearings I agreed to refer to appropriate congressional committees matters affecting the Alaska land freeze. Upon receiving a reply indicating that you do not disapprove of this action, we will proceed to implement the attached land order.

Sincerely yours,

WALTER J. HICKEL.

MODIFICATION OF PUBLIC LAND ORDER NO. 4582

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; as amended; 43 U.S.C. Sec. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1969, withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of the native Aleuts, Eskimos and Indians of Alaska, is hereby modified to permit:

1. The granting of rights-of-way under the Mineral Leasing Act of February 25, 1920 (41 Stat. 449, as amended, 30 U.S.C. Secs. 181 et seq.), for an oil pipeline system, including, but not limited to, pumping plant sites, access facilities, terminal facilities, catch basins, and any other structures reasonably necessary or convenient for transportation of oil by pipeline from fields in Northern Alaska to a deep water port in the Gulf of Alaska.

2. The issuance of any other permit or right-of-way as may be reasonably necessary or convenient for the construction, maintenance, or operation of the oil pipeline system described in paragraph above.

3. The sale of forest products and mineral materials as may be reasonably necessary or convenient for the construction, operation or maintenance of the oil pipeline system described in paragraph 1 above.

STIPULATIONS FOR THE TRANS-ALASKA PIPELINE SYSTEM

(Environmental Stipulations to be used in conjunction with existing laws and regulations for construction of the 48' oil Pipeline and related facilities from Prudhoe Bay to Valdez, Alaska)

(Prepared by: Department of the Interior and the Federal Task Force on Alaskan Oil Development)

LETTER OF ACKNOWLEDGMENT

This volume of stipulations represents the concerted efforts of the Department of the Interior and the Federal Task Force on Alaskan Oil Development, with the participation of State of Alaska agencies, to draw up guidelines that will provide exacting environmental protection during the construction and operation of the Trans-Alaska Pipeline.

In this endeavor, we have asked our bureaus and representatives to judge both the conceptual framework and individual stipulations by a yardstick that was both fair and firm, one that stressed equally the importance of environmental protection and resource development.

The participation in this project has been notably broader than the co-operative effort of the Government agencies formally involved. We have received substantial counsel for conservation and industry representatives, as well as from the interested public.

This wide participation and interest, as well as the depth of many contributions, underscore what is becoming a national commitment toward the proper use and protection of our natural resources.

It is a pleasure to acknowledge and thank those who have participated directly in this project, and particularly those not professionally involved who have contributed their sincerity and advice toward the responsible development of arctic Alaska.

WALTER J. HICKEL,
Secretary of the Interior.

A. Definitions

As used herein, the following terms have the following meanings:

"Authorized Officer" means the Alaska State Director, Bureau of Land Management, or the person designated or delegated to act in his stead with respect to the subject matter of this permit. As used herein, it is synonymous with "Superintendent in Charge," as that term is used in 43 CFR, Subpart 2234.

"Pipeline" means the Pipeline right-of-way; all or any part of the Pipeline system constructed thereon; and all structures, facilities, and appurtenances related thereto or used in connection therewith, whether located on or off the Pipeline right-of-way.

"Permittee" means each and every individual, person or company, including partnerships, corporations, joint ventures, associations, or any other business firms engaged in, or which shall become engaged in, the construction, operation or maintenance of the Pipeline, together with their employees, agents, contractors and subcontractors and the employees of each of them.

B. General

1. Acknowledgments of Permittee

Permittee, by accepting this permit and commencing activities pursuant thereto, acknowledges each of the following:

a. That, except where the approval of the Authorized Officer is required before Permittee may commence a particular operation, neither the United States nor any of its agents or employees agrees to or is in any way obligated to examine or review any plan, design, specification, or other document which may be filed by Permittee with the Authorized Officer pursuant hereto;

b. That the absence of any comment by the Authorized Officer or any other employee of the United States with respect to any plan, design, specification, or other document

which may be filed by Permittee with the Authorized Officer does not represent in any way whatever any assent to, approval of, or concurrence in such plan, design, specification, or other document or of any action proposed therein;

c. That this permit, and the rights and privileges granted thereby, is subject to all valid existing rights in and to the land which is the subject of this permit, and that the United States makes no representations or warranties whatever, either express or implied, as to the existence, number, or nature of such valid existing rights.

2. Authorized Officer

The Authorized Officer, and such representatives of interested Federal agencies as he may designate, may inspect the exploration, construction, operation, or any other activities of Permittee at any time.

For purposes of information and review, the Authorized Officer at any time may call upon Permittee to furnish any or all data related to pre-construction, construction, or operation activities undertaken in connection with the Pipeline and its related facilities, including roads. Permittee shall furnish the requested data as promptly as possible, or as otherwise required under the terms of this permit or other applicable permits. Such data specifically include, but are not limited to, records of all geological data, soil core drillings and terrain temperature measurements made during pre-construction investigations; and engineering standards, basic data and technical criteria relating to the design, construction and operation of the Pipeline, pumping stations, safety devices and monitoring programs.

The Authorized Officer may require Permittee to make such modification of the alignment and installation of the Pipeline as he may deem necessary to protect stability of geologic materials, integrity of the Pipeline, fish and wildlife habitats, and the environment. He may also require Permittee to make adjustments of the above-ground heights and/or methods of installation of the Pipeline to prevent obstruction of access.

The Authorized Officer shall be afforded reasonable use of Permittee's communications systems.

In the event the Authorized Officer determines in his absolute discretion that Permittee has failed or refused to comply with the provisions of this permit, or any other permit issued in connection with the Pipeline, the Authorized Officer, by written order, may suspend or terminate any or all of Permittee's activities. Permittee shall not resume such suspended or terminated activities until given written authorization to do so by the Authorized Officer.

All decisions, orders and determinations of the Authorized Officer, unless otherwise indicated by him in writing, shall be appealable only to the Secretary of the Interior. During the pendency of any such appeal, the Authorized Officer's decision, order, or determination shall not be suspended, but shall remain in full force and effect until the Secretary of the Interior finally disposes of the appeal.

3. Changes in Conditions

Unforeseen conditions arising during construction and operation of the Pipeline may make it necessary to revise or amend these stipulations. In that event, Permittee and the Authorized Officer shall agree as to what revisions or amendments shall be made. If they are unable to agree, the Secretary of the Interior shall have final authority to determine the matter.

4. Equal Opportunity

By accepting this permit, Permittee agrees that, during the period of construction of the Pipeline and its related facilities and roads, and for so long as the Pipeline, or any portion thereof, shall be in operation, or for so

long as this permit shall be in effect, which ever is the longest:

a. Permittee will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Permittee will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Permittee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Authorized Officer setting forth the provisions of this equal opportunity clause.

b. Permittee will, in all solicitations or advertisements for employees placed by or on behalf of Permittee, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, color, or national origin.

c. Permittee will send to each labor union or representative of workers with which Permittee has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Authorized Officer, advising the labor union or workers' representative of Permittee's commitments under this equal opportunity clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. Permittee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor.

e. Permittee will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, issued pursuant thereto, and will permit access to Permittee's books, records, and accounts by the Authorized Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

f. In the event of Permittee's noncompliance with the equal opportunity clause of this permit or with any of such rules, regulations, or orders, this permit may be cancelled, terminated or suspended in whole or in part and Permittee may be declared ineligible for further Federal Government contracts or permits in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies involved as provided in Executive Order No. 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

g. Permittee will include the provisions of paragraphs a. through g. of this equal opportunity clause in every contract, subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each contractor, subcontractor or vendor. Permittee will take such action with respect to any contract, subcontract or purchase order as the Authorized Officer may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that in the event Permittee becomes involved in, or is threatened with, litigation with a contractor, subcontractor or vendor as a result of such direction by the Authorized Officer, Permittee may request the United States to enter into such litigation to protect the interests of the United States.

5. Liabilities and Responsibilities of Permittee

a. Any structure, property or land harmed or damaged by or during the construction, operation or maintenance of the Pipeline shall be reconstructed, repaired, rehabilitated and restored, as may be necessary, by Permittee as soon as practicable, so that the condition thereof, in the judgment of the Authorized Officer, is at least equal to the condition thereof immediately prior to such damage or destruction. Permittee further shall abate as soon as practicable any condition existing with respect to the Pipeline or its related facilities or roads, or with respect to the construction, operation or maintenance thereof, which may be causing harm or damage to any person, structure, property, land, stream or wildlife.

b. Permittee shall be liable to the United States for any damage suffered or cost or expense incurred by the United States in any way arising from or connected with any operation under this permit whenever such damage, cost or expenses results from any breach of the permit or from any wrongful or negligent act of Permittee. Immediately upon written notice by the Authorized Officer of the nature and amount of such damage to or cost or expense of the United States, Permittee shall reimburse the United States therefor.

c. Permittee further shall indemnify and hold harmless the United States against and from any and all demands, claims or liabilities of every nature whatsoever, arising directly or indirectly from or in any way connected with any or all of the following: 1) The construction, operation or maintenance of the Pipeline or of any facility, structure or road used in connection therewith, whether or not located on Federally-owned land; and 2) The use or occupancy, whether authorized or not, by any person whomsoever of any land owned by the United States which is the subject of any permit or right granted to Permittee; provided, however, that the provisions of this paragraph c. shall not be deemed to apply to injuries or damages to the extent caused by employees of the United States acting within the scope of their authority.

6. Bonding Requirements

Permittee shall furnish a bond or other security (hereinafter called "Bond") of such type and on such terms and conditions as are acceptable to the Authorized Officer, in the principal amount of five million dollars (\$5,000,000), within thirty (30) days after issuance to Permittee of a permit for a right-of-way for oil pipeline purposes.

Said Bond shall have the purpose of: 1) ensuring the performance by Permittee of each and every obligation of Permittee under the terms and conditions of any permit issued to Permittee by the United States in connection with the Pipeline; and 2) providing for immediate payment to the United States of any cost or obligation incurred by the United States in performing any said obligation of Permittee which, in the absolute judgment of the Authorized Officer, Permittee has not performed satisfactorily.

Said Bond shall be maintained in force and effect during construction of the Pipeline, as for so long as the Pipeline is operated, and for so long thereafter as may be necessary.

7. Housing and Quarters

Permittee shall furnish, on a reimbursable basis, such representatives of the United States as may be designated by the Authorized Officer with meals, living quarters and office space during the periods of construction and operational activities. Permittee shall be notified in writing by the Authorized Officer at a reasonable time before need exists, regarding the number of individuals for whom such services and facilities will be required.

8. Public Improvements

Existing telephone, telegraph, and transmission lines, fences, ditches, roads, trails, and other improvements shall be protected in all phases of Permittee's construction operations under this permit. Damage to utilities and improvements shall be promptly repaired to a condition which is at least as good as the condition just prior to such damage.

All roads and trails needed for fire protection shall be kept free of logs, slash, and debris.

Construction activities will not be allowed within one-half (½) mile of all designated recreation sites (campgrounds, waysides, parks) unless authorized in writing by the Authorized Officer.

9. Federal, State, and Local Laws and Regulations

Permittee shall comply with all applicable federal, state and local laws and regulations thereunder, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, or maintenance of the Pipeline or any road construction in connection therewith.

10. Pipeline Standards, Design, and Compliance

All design, materials, and construction practices employed in the installation of the Pipeline shall be in accordance with safe and proven engineering practice for the arctic environment and in accordance with the following pipeline standards:

a. U.S.A. Standard Code for Pressure Piping, Liquid Petroleum Transportation Piping Systems (USAS B31.4-1966).

b. The Department of Transportation's proposed regulations on "Transportation of Hazardous Materials by Pipeline."

If either of said pipeline standards contains a provision which is inconsistent with a provision in the other standard, whichever provision is the more stringent shall be observed by Permittee. The plan and profile for the Pipeline shall be submitted for review and approval of the Authorized Officer prior to commencement of construction for any section of the Pipeline. The plan shall show the locations of pumping plant sites, block valves, stream crossings and other facilities; it shall also show those parts of the Pipeline to be constructed above ground, the dimensions of above-ground structures, and the general specifications and locations of all crossings across the Pipeline.

The design shall provide for automatic shut-off valves at each pumping station and additional valves using the best engineering judgment with due regard for the following: Terrain traversed, including associated drainage; population centers; wildfowl habitat and fishery habitat; public water supplies and significant water bodies including the Yukon River and other major rivers; and hazardous geologic areas.

All practical means will be utilized to avoid breaking or otherwise injuring the tundra or other organic layers in permafrost areas outside the Pipeline ditch area.

X-ray testing of weld quality and pressure testing of the completed Pipeline shall be conducted by Permittee prior to placing the system in operation.

During the construction of the Pipeline, Permittee shall protect the environment, stability of geologic materials, and integrity of the Pipeline and shall prevent undue interference with access over or across the Pipeline.

Permittee shall provide for continuous and suitable inspection of the Pipeline and related facilities by qualified inspectors to assure compliance with design and construction specifications.

11. Survey Monuments

In surveyed areas, Permittee shall mark and protect all survey monuments within or

near the Pipeline right-of-way against destruction, obliteration or damage during the life of this permit. If any monuments, corners or accessories are destroyed, obliterated or damaged, Permittee shall hire a registered land surveyor to reestablish or restore at the same location the monuments, corners or accessories using surveying procedures in accordance with the "Manual of Instructions for the Survey of Public Lands of the United States, 1947 Ed.," and shall record such survey in the appropriate records. Additional requirements for the protection of monuments, corners, and bearing trees may be prescribed by the Authorized Officer.

12. Environmental Briefing

Prior to and during construction activities, Permittee shall provide for environmental and other pertinent briefings of construction and other personnel by such Federal employees as may be designated by the Authorized Officer. Such briefings shall include fire prevention and suppression training for all construction personnel. Permittee shall arrange the time, place and attendance for such briefings upon request by the Authorized Officer. Permittee shall bear all costs of such briefings other than salary, per diem, subsistence, and travel costs of Federal employees.

In addition, Permittee shall separately arrange with the State of Alaska for such similar briefings as the State may desire.

13. Construction Schedule

Prior to commencement of construction, Permittee shall submit a schedule of its construction activities. This schedule shall be in such detail as may be required by the Authorized Officer. During the course of construction this schedule shall be updated and resubmitted at 30-day intervals.

14. Surveillance and Maintenance

Permittee shall, during the life of the Pipeline permit and for so long as the Pipeline is in operation, conduct a surveillance and maintenance program applicable to the arctic environment in a timely manner and designed to provide for public safety, prevent damage to any resources adjacent to the Pipeline right-of-way, prevent erosion from the Pipeline right-of-way and maintain pipeline integrity. The surveillance and maintenance program shall include an effective communications system.

Records on construction, operation and maintenance activities shall be maintained by Permittee and regularly submitted as required to appropriate State and Federal agencies. Such records will include surveillance data, leak and break records, and necessary operational data.

Roads or air strips shall be maintained by Permittee to give maintenance crews access to valves, pumping stations, and other facilities.

15. Electronically Operated Devices

Permittee shall screen, filter, or otherwise suppress any electronically operated devices, that are installed as part of the Pipeline which are capable of producing electromagnetic interference radiations, to the extent necessary so that such devices will not adversely affect the functioning of existing communications systems or navigational aids. In the event that physical obstructions such as towers or buildings are to be erected as part of, or in association with, the Pipeline, their positioning should be such that they will not obstruct radiation patterns of line-of-sight communications systems, navigational aids, or similar systems.

16. Oil Spills

Permittee recognizes its prime responsibility for the protection of the public and environment from the contingency of oil spillage.

a. Reporting of Oil Leaks: All spills or leakage of oil or waste materials shall be recorded

and reported by Permittee in accordance with 49 CFR, Part 180. Reports shall be filed with the Central Reporting Network as may be required by any joint Federal-State contingency plan which may be adopted and which pertains to the minimization of the effects of a spill of oil or other hazardous substances in Alaska or adjacent waters.

b. Containment of Oil Spills at Storage Tanks and Tank Farms: Permittee shall provide oil spill containment dikes or other structures around storage tanks at pumping stations and at the Valdez tank farm. The volume of the containment structures shall be at least: 1) one-hundred ten (110) percent of the total storage volume of the storage tanks in the relevant area, plus 2) a volume sufficient for maximum trapped precipitation and runoff which might be impounded at the time of the spill. Such structures shall be impervious so as to provide seepage free storage over reasonable periods of time.

c. Cleanup of Oil Spills: Permittee shall submit a contingency plan in conformance with the recommendations of the National Interagency Committee at least sixty (60) days prior to scheduled commencement of pumping. The plan shall: include oil spill control, disposal and cleanup; specify that the Interior agencies responsible for contingency plans in Alaska shall be among the first to be notified in the event of a Pipeline failure resulting in oil spill; provide for immediate corrective actions, including control and cleanup of oil spills and restoration of the affected resource; and spell out that the Authorized Officer shall approve any materials or device used to control or clean up oil spills and shall approve any disposal sites or techniques selected to handle oily matter. Detailed information must be included for major river crossings, lakes, populated areas, pumping stations and terminals. The contingency plan shall include separate and specific oil spill cleanup techniques for 1) terrestrial, 2) lake, 3) river and stream, 4) marine, and 5) estuarine spills. The plan must be approved by the Authorized Officer prior to pumping oil through the Pipeline.

If at any time, including without limitation during any phase of the construction, operation or maintenance of the Pipeline, any oil or other pollutant should spill or escape from the Pipeline, the control and total removal, disposal and cleaning up of such oil or other pollutant, wherever found, shall be at the expense of Permittee. Upon failure of Permittee to control, dispose of, or clean up an oil spill, or to repair all damages resulting therefrom, the Authorized Officer shall take such measures as he deems necessary to control the spill, clean up the spillage and restore the area to as near its original condition as possible at the full expense of the Permittee.

17. Excavations

In excavation operations, Permittee shall use construction methods that will provide maximum protection to animals and human beings.

18. Termination of Use

Upon revocation or termination of the Pipeline permit or abandonment of any section of the Pipeline, Permittee shall remove all above-ground Pipeline sections, and restore the land to the satisfaction of the Authorized Officer. Prior to capping the open ends of underground pipe sections, all oil and residues shall be removed from the pipe.

19. Pipeline Corrosion

Permittee shall provide detailed plans for corrosion resistant design and methods for early detection of corrosion. These will include: pipe material and welding techniques to be used and information on their particular suitability for the environment involved; details on the external pipe protection to be provided (coating, wrapping, etc.), includ-

ing information on variation of the coating processes to cope with variations in environmental factors along the Pipeline route; plans for cathodic protection including details of impressed ground sources and controls to insure continuous maintenance of adequate protection over the entire external surface of the pipe; details of plans for monitoring cathodic protection current including spacing of current monitors; provision for periodic intensive surveys of trouble spots and regular preventive maintenance surveys and special provisions for abnormal potential patterns resulting from crossing of the right-of-way by other pipelines or cables; information on precautions to be taken in removing corrosive substances (e.g., saline water) from the crude prior to moving it to the pipeline. Permittee will also provide comments on the need for plans for periodic internal pitting surveys by electromagnetic or other means.

20. Seismic Monitoring

Permittee shall file with the Authorized Officer for approval a detailed plan for the monitoring of crustal strain and microseismic activity in the vicinity of the proposed Pipeline route.

Said monitoring network shall be constructed and in operation prior to use of the Pipeline.

The monitoring network shall include establishing of reference points on stable ground, placed at satisfactory intervals so as to form closed figures. Trilateration measurements shall be made at time intervals not to exceed six months and to a probable error not to exceed two parts per million. As data on creep locations and rates are accumulated, Permittee shall install recording or telemetering creep meters where movement is rapid. The monitoring network shall also provide for clusters of seismometers, with outputs telemetered to a central facility, where the Pipeline crosses major fault zones.

Data obtained from the network shall be provided to the Authorized Officer at regular intervals throughout the operational life of the Pipeline. Strain, creep, and microseismic data shall be used by Permittee to aid in the initiation of corrective measures to protect the Pipeline from breaking from tectonic strain.

C. Native training

Permittee shall enter into an agreement with the Secretary of the Interior regarding recruitment, testing, training, placement, employment and job counseling of Alaska Natives.

Continuously during Pipeline construction, Permittee shall conduct a pre-employment and on-the-job training program for Alaska Natives, adequate to qualify them for initial employment and for advancement to higher paying positions thereafter.

Permittee shall do everything within its power to secure the employment of those Alaska Natives who successfully complete Permittee's training program.

Permittee shall inform the Authorized Officer of its discharge of any Alaska Natives, and of the reasons therefor, in advance of such discharge wherever possible or, if advance notice is impossible, as soon thereafter as is practicable.

Permittee shall furnish the Authorized Officer such information and reports concerning Alaska Native employment as the Authorized Officer shall require from time to time.

D. Regulation of public access

After construction is completed, Permittee shall permit free and unrestricted public access to and upon the Pipeline and access road rights-of-way for all lawful and proper purposes except areas designated as restricted by Permittee with the consent of the Authorized Officer.

During construction Permittee may regulate public access and vehicular traffic as re-

quired to facilitate operations and to protect the public and wildlife from hazards associated with the Project. For this purpose, Permittee shall provide warnings, flagmen, barricades and other safety measures as necessary.

Provisions must be made for suitable permanent crossings where Permittee's Pipeline right-of-way and related access roads cross existing roads, foot-trails, winter sled trails, or other rights-of-way.

During construction, Permittee shall provide alternate routes for existing roads and trails as determined by the Authorized Officer, whether or not these roads or trails are recorded.

E. Pollution abatement

1. Pesticides and Herbicides

The use of pesticides and herbicides is limited to non-persistent and immobile types. An approved list of pesticides and herbicides, together with application constraints shall be obtained from the Authorized Officer.

2. Water Pollution

Permittee shall conduct its activities in a manner to prevent pollution of land and water, thereby protecting aquatic and terrestrial life.

Toxic material or sediments shall not be released in any lake or water drainage in such concentrations as would exceed acceptable water standards. Every effort shall be made to protect water bodies from damage by erosion and unnatural drainage conditions. In the design, construction and operation of the Pipeline, protection of water quality shall be of prime importance. Criteria for compliance will be the "Alaska State Plan—Water Quality Standards for Interstate Waters within the State of Alaska" as revised.

Unless waived by the Authorized Officer, dikes or cofferdams shall be installed to separate concrete work areas from lakes or streams during construction.

Mobile ground equipment shall be kept out of the waters of lakes, streams or rivers except for crossings within the right-of-way limits.

3. River and Stream Crossings

The Pipeline shall cross all rivers and streams completely underground unless a different means of crossing is approved in writing by the Authorized Officer.

4. Thermal Pollution

At all underground water crossings the Pipeline shall be placed at such depth and be so insulated that it will not degrade the water beyond standards set for thermal pollution in the State of Alaska.

If changes in the overburden take place so as to expose the pipe to natural water, the Pipeline will be additionally insulated from the water to the satisfaction of the Authorized Officer.

A standard stream crossing profile shall be filed in advance of Pipeline installation for review by the Authorized Officer.

F. Erosion control

1. General

The design of the Pipeline, roads, and associated structures shall include specifications for the construction of erosion control and drainage features that will minimize the concentration of water and thereby reduce erosive effects.

The erosion control measures such as water bars, contour furrows, water spreaders, diversion ditches, plugs, or other control measures shall be constructed to avoid induced and accelerated erosion and to lessen the possibility of forming new drainage channels resulting from construction activity on all Pipeline rights-of-way areas. All control measures must be designed with proper regard to minimize disturbance to the thermal equilibrium, thus minimizing the adverse effects of permafrost degradation.

The Authorized Officer shall be informed of all proposed erosion control measures.

2. Stream Banks

Excavated cuts through stream banks shall have side slopes that will not erode or slide.

Where practicable, unless otherwise approved by the Authorized Officer, temporary access over stream banks shall be made through use of fill ramps rather than by excavating through stream banks. Permittee shall remove such ramps upon termination of seasonal use or abandonment.

3. Water Crossings

At water crossings, the Pipe trench excavation shall stop an adequate distance from the water crossing to leave a protective plug (unexcavated material) at each bank. These plugs shall be left in place until the crossing grade is complete behind the plug and the pipe laying operation is begun. The plugs shall not be completely removed until absolutely necessary. The plugs shall be replaced with stable material on each bank as soon as the pipe is laid.

4. Disturbed Areas

Permittee shall conduct all construction, operation, and maintenance activities with minimum disturbance to vegetation.

Disturbed areas shall be restored by Permittee as nearly as practicable to their original condition as follows:

a. All disturbed areas shall be left in a stabilized condition. Stabilization practices shall include, as determined by the needs of specific sites: seeding; planting; mulching; and the placement of mat binders, soil binders, rock or gravel blankets, or structures.

b. Special attention shall be given to stream and river crossings so as to prevent erosion. Such measures shall not interfere with fish passage.

c. Material from the trench excavation in excess of that required to backfill around the pipe shall be disposed of in a manner approved by the Authorized Officer.

d. Seeding and planting shall be conducted during the first growing season and shall be repeated if unsuccessful on the first attempt. All other restoration shall be completed as soon as possible.

e. Unless other acceptable methods such as controlled burning or burial are approved by the Authorized Officer, all trees, snags, stumps or other woody material, not having commercial or construction value, shall be mechanically chipped and spread in a manner that will aid seeding establishment, soil stabilization and the minimization of permafrost degradation.

5. Disturbance of Natural Waters

All construction activities of Permittee which may create new lakes, drain existing lakes, significantly divert natural drainages, permanently alter stream hydraulics, disturb significant areas of streambeds, or appreciably degrade water quality, shall be prohibited unless approved in advance by the Authorized Officer.

6. Areas of Unstable Soils

Areas having soils that are susceptible to slides and slumps, excessive settlement, severe erosion and soil creep shall be avoided wherever possible. However, if these areas cannot be avoided, or are encountered unexpectedly, Permittee shall design its construction to insure maximum stability. Permittee will continue soil investigations in conjunction with construction activities. Such data shall be made available to the Authorized Officer upon his request.

The Authorized Officer may require special construction methods and/or rerouting, were unstable conditions are encountered.

7. Permafrost Degradation

Permittee shall conduct studies to determine: (1) the most feasible route and best construction design through permafrost areas so as to prevent permafrost degradation that could result in progressive geomorphic degradation, and (2) whether the Pipe should

be buried or above ground. The potential effects of installing the pipe beneath the surface in moisture laden permafrost will be determined with regard to each segment of the Pipeline, and reports thereon shall be filed with the Authorized Officer prior to construction of each segment of the Pipeline. Construction methods shall be designed to prevent degradation of the permafrost in areas where such degradation would result in detrimental erosion or subsidence.

8. Off Right-of-Way Traffic

Permittee's vehicles shall not be operated outside the boundaries of the Pipeline, access or other roads, or other permitted areas, except with the consent of the Authorized Officer or when necessary to protect life, limb, or public property.

G. Sanitation and waste disposal

All waste generated in road or pipeline construction and operation shall be removed or otherwise disposed of in a manner acceptable to the Authorized Officer. All applicable standards and guidelines of the Alaska State Department of Health and Welfare, the United States Public Health Service and the Federal Water Pollution Control Administration shall be adhered to by Permittee. All incinerators shall meet the requirements of all applicable State and Federal laws and regulations and shall be used with maximum precautions to prevent forest and tundra fires. After incineration, material not consumed in the incinerator shall be disposed of in a manner approved in advance by the Authorized Officer.

Emissions from incinerators, pumps, motors, equipment and installations and other burning material, must meet the air quality standards of the United States Public Health Service and the State of Alaska.

The term "waste" as used in this stipulation means all discarded matter, including but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment. The best practicable portable or permanent waste disposal systems shall be used and shall be approved in advance by the Authorized Officer.

H. Small craft passage

The creation of any permanent obstruction on any waters to the passage of canoes, boats, or other craft under forty feet in length, is prohibited.

I. Aesthetics

Permittee shall consider aesthetic values in planning, construction, and operation of the Pipeline and its associated facilities and roads. All permanent structures shall be painted a color or colors that harmonizes with their natural setting. The Authorized Officer may require such plans as he deems necessary to protect aesthetic values.

J. Timber

1. Commercial Timber

Prior to clearing operations, Permittee will enter into a contract with the United States for the purchase by Permittee of all merchantable timber situated within the Pipeline right-of-way.

2. Noncommercial Timber

Clearing and grubbing limits shall be approximately 10 feet outside of the edge of any cut or fill. Unless other methods, such as controlled burning or lopping and burial, are agreed upon between Permittee and the Authorized Officer in the clearing plan as acceptable for a given segment, all trees, snags, stumps or other woody material not having value to Permittee shall be mechanically chipped and spread in a manner that will aid seeding establishment, soil stabilization and the minimization of permafrost degradation. Permittee shall identify right-of-way clearing boundaries on the ground for each construction segment prior to clearing operations.

All timber and other vegetative material outside the right-of-way clearing boundaries and all blazed, painted or posted trees which are on or mark the clearing boundaries are reserved from cutting and removal with the exception of danger trees or snags designated as such by the Authorized Officer.

All trees, snags, or other woody material cut in connection with clearing operations shall be cut so that the resulting stumps shall not be higher than six (6) inches measured from the ground on the uphill side.

All trees, snags, and other woody material cut in connection with clearing operations shall be felled into the right-of-way and away from live water courses.

In areas where heavy equipment would be detrimental under the existing conditions, standard hand clearing operations will be used.

Logs shall not be skidded or yarded across any stream without prior approval of the Authorized Officer.

All debris, such as logs, chunks, and tops resulting from clearing operations and construction which may block stream flow, delay fish migration, contribute to flood damage, or result in streambed scour or erosion shall be removed.

No log landing shall be located within two hundred (200) feet of any live stream course.

Logs having a value to Permittee shall be neatly piled adjacent to the right-of-way clearing boundary if further use is contemplated by Permittee.

K. Wildlife

1. Hunting, Fishing, and Trapping

Permittee shall inform its employees, agents, contractors, subcontractors, and their employees, of applicable laws and regulations relating to hunting, fishing, and trapping.

2. Use of Explosives

At least thirty (30) days in advance of any underwater blasting Permittee shall submit to the Authorized Officer a plan for such blasting. The plan shall set forth blasting locations, types and amounts of explosives, date or dates of blasting, and the reason for the blasting.

No blasting shall be permitted underwater, or within one quarter ($\frac{1}{4}$) mile of streams or lakes, without a permit from the Alaska Department of Fish and Game.

3. Buffer Strips

Except at approved crossings, the Pipeline shall be located so as to provide three hundred (300) minimum buffer strip of undisturbed land along all streams. Requests for exceptions to this provision shall be submitted in writing to the Authorized Officer at least thirty (30) days in advance of approval. The request shall include a description of the design criteria and time necessary to restore or enhance the stream habitat.

4. Fish Spawning Beds

"Fish spawning beds" means the areas, usually gravel, where anadromous and resident fish deposit their eggs.

Where channel changes cannot be avoided in designated anadromous fish spawning beds, new channels shall be constructed according to standards supplied by the Authorized Officer. Spawning beds shall be protected from sediment from all sources of construction activity. Where soil material is expected to be suspended in water as a result of construction activities, sediment settling basins shall be constructed to permit the removal of silt before it reaches the stream or lake. Special requirements may be made by the Authorized Officer for each stream system to protect spawning beds. Permittee shall repair all damage to fish spawning beds caused by construction, operation, or maintenance of the Pipeline.

5. Migration of Fish

Permittee shall provide for uninterrupted and safe upstream or downstream passage of

fish. Any artificial structure or any stream channel change that causes a permanent blockage to migration of fish shall be provided with a permanent fish passage structure that meets all Federal and State requirements. The proposed design shall be submitted to the Authorized Officer at least thirty (30) days in advance of construction.

Unless otherwise provided for by appropriate State or Federal authority, culvert construction in water crossings shall meet the following minimum standards:

a. Water velocities at medium discharge will not exceed four (4) feet per second in any part of the culvert.

b. Installation shall be at zero gradient with the bottom of the outlet six (6) inches below the natural streambed to prevent erosion at the downstream end of the culvert.

c. Where necessary because of outfall erosion, a stilling basin shall be constructed at the outflow end of the culvert that is at least three (3) feet deep and twelve (12) feet long. The pool sides shall be stabilized with riprap or other appropriate method to prevent erosion.

d. Water shall be diverted around the work area in the streambed during installation of the culvert to reduce siltation.

e. Water diversion ditches or pumps shall be screened with a device approved by the Authorized Officer to prevent harm to migrating fish.

Abandoned water diversion structures shall be plugged and stabilized to prevent trapping or stranding of fish.

6. Seasonal Concentrations of Fish and Game

Key fish and wildlife areas may be closed to construction activities during periods of wildfowl nesting, migration, and spawning. The Authorized Officer shall provide Permittee written notice of closure.

From time to time, the Authorized Officer shall furnish Permittee a list of areas where closure may be required, together with anticipated dates of closure.

7. Big Game Movements

Permittee shall construct the Pipeline, both buried and above ground sections, so as to assure unrestricted passage and movement of big game animals.

L. Antiquities and historical sites

Permittee shall engage an archeologist approved by the Authorized Officer to provide surveillance and inspection of the Pipeline for archeological values.

If in connection with any operation under this permit Permittee excavates known or previously unknown archeological, paleontological, or historical sites, Permittee shall notify immediately said archeologist who shall investigate and provide an on-the-ground opinion regarding the protection measures to be undertaken by Permittee. The Authorized Officer may suspend that portion of permittee's operations necessary to preserve evidence pending investigation of the site by said archeologists or his representative.

Two copies of all survey and excavation reports shall be filed with the Authorized Officer.

M. Fire prevention

Permittee shall take all measures necessary or appropriate for the prevention and suppression of fires on the permit area and on other Federal lands. Permittee shall comply with all applicable laws and regulations, and with the instructions and directions of the Authorized Officer concerning the prevention and suppression of fires.

N. Campsites

Permittee or its contractors shall obtain special land use permits for each campsite from the Authorized Officer.

Upon abandonment or relocation of each campsite, the area shall be cleaned up and

restored to a condition satisfactory to the Authorized Officer.

O. Material Sites

1. Purchase of Materials

Permittee shall make application in accordance with applicable regulations, to purchase construction materials, consummate a materials sale contract with advance payment, and submit a mining plan that must be approved before any materials are removed from the public lands.

Permittee shall utilize upland materials and existing material sites in place of clear-water stream materials when reasonably available. Gravel and other construction materials shall not be taken from stream or river beds or shores or outlets of lakes that are or could be considered as spawning areas unless approved by the Authorized Officer.

2. Vegetation Screen

Permittee shall not cut or remove any vegetative cover within a minimum five hundred (500) foot strip between roads and material sites unless authorized to do so in writing by the Authorized Officer. Permittee shall remove any debris created by its construction activities.

Where primary roads intersect the Pipeline right-of-way, a screen of vegetation native to the specific setting shall be established unless waived by the Authorized Officer in writing.

3. Layout of Material Sites

Material site boundaries should be shaped in such a manner as to blend with surrounding natural land patterns. Regardless of the layout of material sites, primary emphasis shall be placed on prevention of damage to vegetation and soil erosion.

4. Fish Protector

If material sites are approved adjacent to or in certain lakes, rivers or streams, the Authorized Officer may further require the construction of levees or berms to protect fish and prevent siltation of streams or lakes.

5. Restoration

All slopes shall be left in a stable condition.

Haul ramps, berms, dikes and other earthen structures shall be leveled, and other structures removed unless otherwise directed by the Authorized Officer.

Material pits in stream and river bottoms and channels shall be connected to the stream by channels constructed to allow flow of water through the pit at median stream stage.

Vegetation, overburden and other materials removed from surfaces of material sites shall be disposed of by Permittee at termination of use of the site in a manner approved by the Authorized Officer. Vegetative debris which has been put through a chipper shall be spread evenly over material site slopes, together with other organic materials and topsoil. Permittee, during the first growing season following termination of use of the site, shall revegetate material site slopes through seeding and planting with suitable plant materials unless otherwise directed by the Authorized Officer.

Upon completion of material site restoration, Permittee shall immediately remove all equipment, materials and supplies from the sites.

PARTICIPATING AGENCIES

Alaska

Federal

Department of the Interior

Regional Coordinator.
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Bureau of Commercial Fisheries.
Federal Water Pollution Control Administration.
Bureau of Mines.
U.S. Geological Survey.

Bureau of Indian Affairs.
National Park Service.
Department of Defense
Corps of Engineers, Alaska District.
Alaskan Command.
Federal Field Committee for Development
Planning
State
Department of Fish and Game.
Department of Natural Resources, Division
of Lands.
Department of Highways.
Washington
Federal Task Force on Alaskan Oil
Development
Department of the Interior.
Department of Defense.
Department of Transportation.
Department of Commerce.
Department of Health, Education and Wel-
fare.
Department of Housing and Urban Devel-
opment.

**WOODLAND PARK HOSPITAL IN
PORTLAND, OREG.**

Mr. PACKWOOD. Mr. President, the role of the suburban hospital in the United States is unique. It is far removed from the clutter and clutter of congested city core centers. The private suburban hospital reflects the change of the Nation's thinking, and approaches the community with quite new and fresh ideas, with warmth and friendliness.

Oregon is honored to claim a fine example of this new approach. Woodland Park Hospital in Portland has instituted what is called the newborn nursery experiment. The idea is so unique and appealing, it was written up in Good Housekeeping's October 1969 issue.

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

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

CAN WE KEEP IT?

Having a baby is a family affair at this Oregon hospital.

"Ours is funny-looking. I'd rather have one with hair," pipes a four-year-old, looking over the nursery for newborns at Woodland Park Hospital just outside of Portland, Oregon. Like most of the 50 states, Oregon has health laws prohibiting small children from visiting hospital patients, yet this youngster and many others have "visited" the brand-new members of their families, and their mothers, too.

This happy, homelike atmosphere is no accident. The suburban hospital's new maternity wing was carefully planned and designed so the whole family could get in on the excitement of having a new baby. Not only is this entire section on the ground floor, but the nursery faces a corridor which is open to youngsters and adults alike. There is a special kids'-eye-level viewing window where children can peer in at their new little brothers or sisters while proud papas and doting relatives ogle through the grown-up-height window next to them.

Aside from giving older children the feeling that they're being included in what used to be an adults-only secret, this early view of the baby makes it easier for them to be happy about the new addition when it finally comes home to stay.

Woodland Park's idea that a hospital should be friendly and family-centered rather than cold and impersonal is not unique. It's happening all over the country as more and more hospital administrators realize at long

last that patients are also human beings who don't like to be separated from their families.

On weekends and after school hours, the brothers-and-sisters-only window is crowded with grinning kids and their friends. While grown-ups ooh and ah through the conventional nursery window. After inspecting the babies, youngsters may visit with their mothers by standing outside the one-story maternity wing and chattering through the windows—which the new mothers may open whenever they want to. Children like to report the day's events, and to make sure mother is fine. This everyday personal contact helps to keep the disruption of family life at a minimum when a new baby takes Mother away from home.

The staff and administrators of Woodland Park feel that relaxation and friendliness are a big part of the difference between a city hospital and a suburban one. This is reflected in open visiting house and the use of soft colors in the decor, but most of all in the atmosphere of the obstetric and pediatric wards.

Young patients—unless, of course, they're infectious—are urged to play together, either in their rooms or in the cheerful playroom. Or they can go visiting themselves—walking or being pulled in red wagons to gape at the infants in the nearby nursery. And parents are welcome to spend unlimited time with their hospitalized children.

By making everyone as much at home as possible. Woodland Park has gone a long way to prove that even a hospital can have a heart.

TAX REFORM

Mr. PACKWOOD. Mr. President, tax reform is vitally needed if we are to spread the tax burden more equitably among our people and close the loopholes which have for so long allowed—and even encouraged—tax avoidance. But in correcting certain inequities in the tax structure, we must be careful not to create new, equally undesirable inequities. For example, section 515 of H.R. 13270 provides for changes in the tax treatment of lump-sum distributions from company profit-sharing and retirement plans. It is aimed at the high-income-bracket corporate executive, but the damage that would be done to millions of middle-income workers who have planned in good faith for their retirement years would be incalculable.

Omark Industries, born and headquartered in Portland, Oreg., has for a number of years encouraged its employees to plan for their retirement years through the use of a company profit-sharing plan. Now the rug has been pulled from under them. Unless the Senate takes appropriate action to correct this new inequity, all their years of planning and preparation will have been in vain.

I commend for the Senate's reading, Omark's analysis of the section 515 change, along with a discussion of two other changes adopted by the House. I believe that Senators will find the comments and recommendations worthwhile and constructive contributions in our efforts to bring about tax justice.

I ask unanimous consent to have the analysis referred to printed in the RECORD.

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

**AN ANALYSIS OF SECTIONS 515, 703, AND 521
OF H.R. 13270**

**LUMP-SUM DISTRIBUTIONS FROM PROFIT-
SHARING PLANS—SECTION 515**

Cancellation of capital gains treatment for lump-sum distribution from qualified pension and profit sharing plans results in a substantially increased tax expense for persons who choose to receive benefits in one payment over those who take payment in the form of an annuity. The reason given for such a change is that the capital gain treatment benefits high bracket taxpayers to a great extent. What this argument fails to recognize is that in order to stop a tax benefit for a few, the law would at the same time penalize all beneficiaries of such plans who desire to receive a lump-sum distribution.

Generally, beneficiaries of these plans will use the funds to supplement pensions and social security during the retirement years. Such deferred savings are desirable and should be encouraged because they make retired people more secure and independent. Even a small increase in tax expense which reduces these retirement funds is cruel and unjustified when the only reason is to tax certain high-bracket taxpayers who have managed to save substantial sums through such plans.

Any tax that reduces private retirement funds will inevitably place a greater burden on the public through increased social security and welfare expense. Such a tax is self-defeating because the small increase in revenue will be more than offset by the cost society must contribute to retired persons to make up the difference in their retirement income.

The effect of this change is to require anyone with a substantial nest egg in a qualified plan to take the benefits on an annuity basis. This severely restricts individual freedom of choice by use of the taxing power. Where possible, an individual would be better off to receive the employer's contribution directly each year and invest it, since taking it out year by year in relatively small amounts in effect is very long-term averaging.

INVESTMENT CREDIT—SECTION 703

Repeal of the investment tax credit has been proposed by the House on the basis that there is no longer a need to encourage investment in plant and equipment since American business has invested over \$400 million since 1962. Also, the credit is considered inflationary and therefore undesirable during the current period of high inflation.

The above reasoning does not recognize that American business is now competing in a worldwide market. There is a continuing need for heavy investment in plant and equipment in order to retain our competitive position and to improve the balance of payments problem. The investment credit provides needed help in maintaining the rate of growth required. Repeal of the investment credit will result in an unhealthy slowdown in capital investment at a time when industry needs to improve and increase its productive capacity.

Continued substantial capital investment in efficient, labor-saving plant and equipment will in the long-term result in reducing inflationary pressure. Such investment allows management to eliminate high-cost labor which is the source of the wage-cost push inflation. The proposed repeal of investment credit would reduce the effectiveness of this deflationary device.

The effect of a slowdown of investment in plant and equipment will certainly result in fewer jobs being available for the presently unemployed and underemployed and for young people entering the labor pool each year. Coupled with this will be the lack of incentive for business to build new plants in or near deprived areas where the need for new jobs is especially acute. Such results are clearly undesirable in view of the present labor and social problems in this country.

The House also stated that by repealing the investment credit it is possible to reduce the surcharge from 10% to 5% for the first six months of 1970. This has the effect of making investing businesses bear the burden of tax reduction instead of having all taxpayers share it equally.

ACCELERATED DEPRECIATION ON REAL ESTATE—
SECTION 521

This section limits use of most accelerated methods of depreciating real estate to new residential housing and provides for recapturing as ordinary income all excess of accelerated depreciation over straight line depreciation when real estate is sold.

It is generally agreed that this measure would result in curtailment of construction and hits hardest at the building construction industry which is so vital to the economy of Oregon. The building industry and Oregon have already suffered because of present tight money policy. It is unfair to strike at a particular industry to cure tax abuse by some individuals. The present law provides a needed stimulus for construction; and, with section 1250, already has a tax reform provision that was enacted recognizing the special needs of this industry. The present availability of different depreciation methods allows a taxpayer to select the method best suited to his economic and physical use situation. Arbitrarily eliminating these methods to curb abuses by certain taxpayers greatly restricts exercise of good business judgment.

In the summary of the bill prepared by the staffs of the Joint Committee it is stated that the problem is that the present tax treatment of real estate has been used by some high income individuals as tax shelters. If this is true, it appears that the House Bill already provides a solution with the "limit on tax preferences". No more than 50% of a taxpayer's total income plus certain tax preferences could escape taxation. One of these tax preferences is the excess of depreciation claimed on real property over straight line depreciation. This effectively prevents tax abuse by the specific individuals mentioned, and does not indiscriminately affect all property owners. By also eliminating all accelerated depreciation and recapture of excess depreciation the House bill provides an over-kill which will adversely affect the Oregon economy.

In summary, this measure unfairly hits the already depressed building industry by discouraging new construction, it affects all property owners instead of the few who have been abusing the tax benefits, and the reform bill already has adequate restriction on accelerated depreciation through the limit on tax preferences.

NOISE—OUR LATEST POLLUTANT

Mr. DOMINICK. Mr. President, some time ago, I introduced a bill which was referred to the Subcommittee on Aviation of the Commerce Committee, which would have the effect of phasing out jet traffic at National Airport and shifting it over to Friendship and Dulles. I did so on the ground that there were three very good reasons: First, safety at National; second, air pollution, which is created by the enormous amount of pollutants which the jets pour out every day over Washington; and third, the enormous problem of noise from jets over the major areas of the countryside surrounding National Airport, including the District of Columbia itself.

Mr. President, noise is an extremely important problem. I was interested to find that yesterday my distinguished

colleague from Oregon (Mr. HATFIELD) made a speech on the same subject, which he entitled "Noise: The Gathering Crisis." He refers in the speech to the problems we have of increased noise levels in all areas in the country.

I know the problem which it created with pilots in World War II. I was one of them. We flew year after year in that war and we now find out that our hearing has been affected by the constant noise level we endured during those years.

Of course, the noise level now, whether one be a pilot or a civilian walking along the street, has become increasingly difficult to sustain, so far as the human physique is concerned.

Mr. President, I do not believe that anyone prior to this speech, has called noise—publicly, at least—an actual pollutant. But that is what it is. It seems to me, it would be an effective way to describe the problem which faces the country.

Since the remarks of the Senator from Oregon contain some very fine statistics and a careful analysis of the problem, I think it would be of interest to all Senators. We are all interested in the environmental and pollution problems facing the country today, and I, therefore, ask unanimous consent to have the speech printed in the RECORD.

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

NOISE, THE GATHERING CRISIS

(Speech by Senator MARK O. HATFIELD, before the Noise Abatement Council of America, October 8, 1969)

There is a bumper sticker now circulating which says: "Eliminate Pollution Before Pollution Eliminates You." Immediately we will think of studies which threaten a lack of water by 1980 and conjure up the words of California scientists stating that within 50 years their state will be uninhabitable for any form of life. Or we hold our breath for a moment remembering that 142 million tons of smoke and noxious fumes are dumped into the atmosphere each year. Momentarily we feel brief panic and then for one reason or another, we forget the threatening words of the bumper sticker and go about our daily duties in a comfortable shield of self-deception and false security. Unfortunately such an attitude has now brought us to a situation in which the rapidly deteriorating quality of our environment is the most hazardous challenge to not only our health and well-being but to our very lives and those of our children and grandchildren.

Environmental pollution may not pose the immediate destruction that nuclear war does, but I might remind you that the effects are the same and just as lasting. And I might remind you that destruction at the hands of our environment is as immediate as your and my lifetime. And finally, I might remind you that lack of inhabitable land, lack of food, lack of good water to drink and good air to breathe are the very conditions under which men become desperate and resort to any and all means to preserve their survival. It is with these thoughts in mind that I state my firm conviction that pollution—all forms of pollution: air, water, and noise pollution, overpopulation, land and soil pollution—is the most challenging and the most crucial problem facing the man of the 20th century. And it is with these thoughts in mind that I firmly believe that if we do not meet this

problem with all the creativity and ingenuity of our age, then within a very short time nothing else will matter, for there will be nothing else to worry about.

Your concern with environmental pollution has brought you here today in order to form an effective citizen's group to combat this onslaught on our planet before it is indeed too late. Your special concern is with the assault of noise pollution on our society and in your recognition of noise as a pollutant you have established yourselves as somewhat pioneers in combating the effects of noise on our society. It was therefore an honor to be invited to speak at this organizational meeting of the Noise Abatement Council of America. Had such groups been instrumental in educating the public to appreciate the inevitable results of uncontrolled air and water pollution and in effecting remedial action to combat these problems even ten years ago then we would not be faced with the present national crisis in these areas. Today let us pledge ourselves to the task of preventing noise becoming another uncontrolled threat to our existence.

The effects of noise, although long a problem, have only begun to receive the well-founded concerns of government, health, industrial and community organizations. We are already far behind the rest of the world in appreciating the scope of the problem. For our backwardness in the field of noise abatement the United States is now the noisiest country on this planet, and frankly, I hate to think that we are now carrying this lack of respect for civilized standards to other planetary bodies. Basically, noise pollution is reaching crisis proportions in the United States and I think that it is time that all of us wake up to this fact.

We should be concerned with noise as a problem because for over a century noise exposure of sufficient intensity and duration has been recognized to produce sensorineural hearing loss. But in spite of this knowledge, an over-exposure to excessive noise is the major cause of hearing loss in the United States today. In fact it is estimated that 10-20 million people in the United States have some degree of hearing impairment.

Everyone realizes that if he is exposed to a very loud noise such as an explosion he may very likely wind up deaf—at least temporarily. What is not so apparent is that the effect of noise is cumulative; it produces as Dr. Leo Beranek, whose work in acoustics is international in scope, an "acoustic fatigue". Repeated moderate noise builds up to produce the same effect as would a single loud noise. And even more important, is the fact that repeated noise is the only type, short of a shattering explosion, that produces permanent hearing loss. The importance of this is readily seen when one is considering the harmful effects of exposure to daily occupational noise.

Another matter of some concern is that the noise level of the United States is increasing at an astonishing rate. Over the past 25 years the average increase in noise level has been at one decibel per year. When one considers that damage to the ears can occur at sustained exposure to the ranges around 85 decibels and over, and given our present noise levels, it will not be too many years before noise levels in the United States became lethal. To quote Dr. Vern O. Knudsen, physicist and former Chancellor of the University of California, "If the noise we make keeps increasing at the present rate, it will be as deadly in thirty years in some of our downtown cities as were the ancient Chinese tortures for executing condemned prisoners."

We know of course that the most pronounced physical effect of noise is damage to the ear. Exposure to intense noise over varying durations causes partial and in some cases permanent hearing loss due to actual

cell damage in the organ of the Corti located within the cochlea of the inner ear.

But noise has much farther reaching effects than just hearing damage. As Paul E. Sabine stated even back as far as the March 1944 issue of the American Journal of Public Health: "There is a wealth of reliable data from medical sources in support of the statement that sustained exposure to noise is a contributing factor in impaired hearing, chronic fatigue that lowers bodily resistance, neurasthenia, increased blood pressure, and decreased working and mental efficiency and that noise should rightfully be classified as an occupational hazard along with gases, fumes, dust, toxic liquids, and bacteria." To put this into, if nothing else, economic perspective, the total cost to industry in compensation payments, lost production and decreased efficiency due to noise is estimated at well over \$4 billion per year. In relation to business a World Health Organization report states that before 1939 office noise was costing United States business \$2 million per day through inefficient work. Today that figure is \$4 million. The psychological and physiological effects of noise are difficult to assess but the correlation between noise and such things as sleep disturbances, hypertension due to the constant response of hormonal and neurological mechanisms to noise stress, interference with basic communication, the loss in efficient performance and even damage to property must be counted as a very real and a very enormous threat to our well-being, not to mention the economic repercussions.

The effects of noise cannot be fully appreciated until we have more thorough studies in the field. One effect which needs to be especially explored by sociologists and criminologists is referred to in a recent Fortune magazine article. As related by Fortune: In the Bronx borough of New York City one evening last spring, four boys were at play, shouting and racing in and out of an apartment building. Suddenly from a second-floor window came the crack of a pistol. One of boys spawled dead on the pavement. The victim happened to be Roy Innis, Jr., thirteen, son of a prominent Negro leader, but there was no political implication in the tragedy. The killer, also a Negro, confessed to police that he was a nightworker who had lost control of himself because the noise from the boys prevented him from sleeping. This incident is extreme but worthy of our careful attention due to the implications it has on the worsening human problems which we are now experiencing in our cities.

Until recently the most authoritative voices about noise have come from within the industrial occupations due to the mere fact that noise has been a problem much longer in this area than in any other. Industrial management has become increasingly concerned with the adverse effects of noise on those persons who work under constant exposure to intense levels of noise—and I might add with due reason.

According to Dr. Glorig, director of the Caller Hearing and Speech Center in Dallas, Texas: "Industrial noise is now the most important single cause of hearing loss." Despite numerous research, training and regulatory programs now underway in some industries and in various Federal agencies, and despite the great strides accomplished in responsible noise abatement efforts in the occupational fields, there is still need for a vast amount of education in the field of occupational noise. For instance, B. F. Goodrich estimates that the total market for acoustical goods and products will reach \$875 million by 1970, which if one takes into account all that this comprises is a very paltry sum.

Another example of the need for increased emphasis placed on occupational noise is the fact that permanent hearing loss caused by excessive exposure to noise is now a recognized occupational hazard and is compensable

in only 35 states. I am always reminded of the basic lack of awareness in this field by an unfortunately true story which occurred when one of my aids was touring a textile factory in the South. When he commented on the high level of noise to which the workers were subjected, the manager hastened to assure him that immediate efforts were being made to correct the unpleasant conditions. "Next week the factory is playing country-western music over the loud-speakers at a level which will block out the noise of the factory."

The noise of our industries is put into further perspective when one considers them in light of "safe" noise levels. There are differences of opinion about permissible occupational noise levels. The American Academy of Ophthalmology and Otolaryngology states that our present knowledge of the relation of noise exposure and hearing loss is much too limited to propose safe amounts of exposure. However, the Academy recommends noise-exposure control and tests of hearing if there is habitual exposure to continuous noise at 85 decibels at a frequency of 300-1200 cycles per second. Noise is measured in a dimensionless unit called the decibel which is used to describe the levels of acoustical pressure, power and intensity.

The decibel expresses a logarithmic ratio between two sounds. In other words, the difference between a noise with a decibel rating of 60 and that with a rating of 70 is a relative increase of 10 times the lower level. The frequency of noise expressed in cycles per second is useful for rating noise hazards since some frequencies are more likely to cause hearing damage than others, with high pitched sounds more annoying than low pitched sounds. The British Medical Society recommends hearing conservation measures when noise exceeds 85 decibels in the 250-4000 cycles per second range.

The United States Air Force recommends ear defenders when personnel are exposed to 85 decibels in the 300-4800 frequency range. The American Standards Association has suggested permissible daily quotas of exposure to noise which they suggest should protect the worker from hearing loss. Over an eight hour working day they suggest a limit of 85 decibels at any frequency range above 700 cycles per second. In the Walsh-Healey Public Contracts Act the Federal government has adopted 90 decibels at any frequency range as a permissible safe occupational noise level.

Only recently has there been concern about the entire realm of urban and community noise although millions of Americans are affected each day by the repercussions of this type of noise. As Dougherty and Welsh commented in "Community Noise and Hearing Loss":

"The saving quality heretofore has been that community noise has been a short-term exposure as compared to an 8 hour day period in industry. As the power use of both home and street increase, steps must be taken to limit the noise output. Otherwise, total timed exposure will exceed industrial standards that actually rely on regular audiograms to prevent severe hearing loss."

Indeed the din in the cities at times far exceeds the noise levels considered "safe" for an occupational situation. A noise level of 100 decibels was once recorded on the Avenue of the Americas in New York City where the Transit Authority was building the extension of the 6th Avenue subway. Construction is perhaps the most irritating source of noise to the urbanite and the problem is intensified when once we realize that there are virtually no legal controls on the amount of noise that can emanate from a construction site. In the absence of any forms of control the consequences are logical—existing knowledge for noise control is not even applied.

Noise control costs money, and it is not

reasonable to ask sympathetic construction firms to invest in noise control only to let unsympathetic firms underbid them on jobs by avoiding the noise control costs. Air compressors, pneumatic drills, power saws, concrete mixers and other machines involved in the construction or demolition of buildings are permitted in some urban areas between 7 am and 6 pm, six days a week and at night with special permit. Combined with the poor soundproofing in modern apartments, the sounds of congested traffic which can reach upwards of 90 decibels, and the multitudinous other sounds of "civilized living", the city dweller is caught in the midst of a cacophonous catastrophe.

Europe and such countries as Russia and Japan have for some time had strictly enforced noise abatement laws, including zoning and construction measures and national councils like the Swiss Anti-Noise Commission which deals with the basic medical, acoustic and technical questions of road, rail and water traffic; aircraft noise, noise in industry, building construction, homes, etc.; and legal questions.

The United States by contrast has few laws regarding noise abatement and even those that it has are barely enforced. For example, New York City is one of the cities that has strict noise laws against horn-blowing and even has a legal noise limit for the city of 88 decibels at 150 feet. If you have ever been to New York, I am sure that these laws will come as surprising news.

The final assault on the nation's well-being due to noise and the one which brings you here today is that of aircraft noise. Of all the fields of noise abatement that of air transportation has received the most attention by industry and government due to the obvious severity of the problem. The possible adverse effects of aircraft noise have been recognized for several years. In 1952 the Dollittle Report pointed out that "positive efforts should be continued by both government and industry to reduce or control aircraft noise nuisance to people on the ground and that substantial reduction of such noise is practicable."

Such firms as Pratt and Whitney, General Electric and Boeing have been involved for some years in the research and development of a "quiet" engine. According to sources within the field, we are five years away from a prototype which when operational will only reduce the perceived noise level at take-off and landing by 10%. The problem in this area is not so much a matter of money as lack of available technology. The sound of a jet taking off is approximately 130 decibels which is also the estimated maximum noise bearable to human ears. A reduction of 10% will bearly scratch the surface of the noise problem in this area unless there is a major technological breakthrough.

Therefore in combating aircraft noise we also need to pursue abatement efforts in the aspects of aircraft operations and apply methods of compatible landuse around the airports. In the realm of flight patterns, airport design and placement, guaranteed buffer zones, adequate soundproofing of buildings in and around airports, extension of runways, legal controls, and so on, joint action will have to be taken by the Federal government, the airlines, and the community. With over 98% of our airports owned by some level of state government, it will be primarily up to the local government and the airport operators of the same to effect noise abatement controls. In addition airport operators should share the responsibility of enforcing the new Federal Aviation Agency noise standards to be announced this month and closely coordinating local efforts with such programs as the Aircraft Noise Alleviation Program established under the F.A.A. in 1961.

For examples of innovative noise control

efforts I recommend such programs as that taken in the Los Angeles area in which community efforts and pilot programs have been established to abate noise at the Los Angeles International Airport. The Port of New York Authority has also carried out extensions costing several million dollars to the three runway at New York's Kennedy International Airport solely out of noise abatement considerations. Dulles International Airport in Washington is a good example of how zoning laws and design can be effectively employed to control noise levels emanating from aircraft.

But despite these examples, the fact remains that there is much left to do before we can successfully cope with aircraft noise. Your recognition of this fact has brought you here today. There are many questions which must be answered before actual work can even begin. The most important of these is funding of noise abatement efforts. Who is responsible? Should we ever obtain an operational "quiet" engine, the estimated cost of retrofitting our four engine commercial jets has been upwards of \$300 million. This is perhaps the most touchy issue which will face you in your efforts to combat jet noise for the costs are formidable and the responsibility ill-defined.

Another problem of considerable concern is that of the sonic boom. Until recently the shock waves from the sonic boom was confined to occasional military flights scheduled to fly over unpopulated areas of the United States. However, since President Nixon's request for \$96 million for the current fiscal year ending June 30, 1970 in order to finance the start of construction of two SST prototype aircraft it now appears that within the next 10 years we will be subjected to the sound of commercial sonic booms. I am opposed to the development of this aircraft. Aside from the obvious criticism of low cost-benefit considerations, I find it difficult to justify the vast noise disturbance of this aircraft in light of the small domestic value derived. The plane has no defense value, will cost the government a total of \$1.29 billion, out of a total development cost of \$1.51 billion, and its flights have been estimated to disturb 20 million groundlings every time the SST flies from coast to coast.

The repercussions of the noise problem have just begun to be understood and much has been done to alleviate the noise onslaught on our environment. For instance, New York City has a law requiring walls soundproof enough to reduce any airborne noise passing through by 45 decibels. Some construction companies have proved that buildings can be constructed quietly, by muffling blasting by special steel mesh blankets, welding instead of using the horrendous racket of riveting or bolting. New machines have been offered on the market which have a vast reduction in decibel rating over their old predecessors such as a new compressor which reduces the decibel level from 110 to 85 decibels and a new paving breaker that has had its sound reduced by $\frac{2}{3}$.

New York, California, New Jersey, Minnesota, and other states have voted or have pending various legislation on noise abatement particularly in the realm of vehicular noise. Numerous local ordinances deal with specific noise problems of their area offering such things as prevention of transistor playing in public areas, zoning laws, etc. Some states have legislation which prohibits vehicles on its public highways that exceed certain established noise levels for that particular vehicle.

All of these are good beginnings but they cannot be assessed as anything more than just beginnings. What is needed are guaranteed standards for the man on the street, on his job, or in his home. In this category I would like to mention the Walsh-Healey Public Contracts Act which was signed into effect by Secretary of Labor Shultz on May 17,

1969. This Act provides for a limit of on-the-job noise levels at 90 decibels at any frequency. This regulation only applies to firms that have a \$10,000 or better contract with the Federal government during the course of one year. The Walsh-Healey Act is a step in the right direction but again it is only a beginning. It only affects certain segments of workers and sets as a standard a noise level which is of debatable safety for an occupational level.

The real question at hand in the consideration of the noise level of our society is whether we are going to preserve the basic amenities of civilized life in the onslaught of technological advance.

As one noted figure in the noise abatement field, William H. Ferry, once said: "We have been neither interested nor successful in controlling noise because we have been neither interested nor successful in coping with technology."

Some 60 years ago Robert Koch, a bacteriologist and Nobel Laureate predicted: "The day will come when man will have to fight merciless noise as the worst enemy to his health."

That day is not so far away. The problem must be faced now before it is beyond our control. So I offer a few suggestions from my meager knowledge of the problem of what may prevent a continuation of the insult of noise on the future sensibilities of our nation. The problem of our "cacophonous republic" requires education, public awareness, increased research and greater application of economical acoustical materials, and a great deal of cooperation and coalition of effort between industry, business, government, health officials and community groups in order to find and carry out solutions to local, regional and national noise problems.

We need a uniform noise control standards for all industrial and office workers . . . a Walsh-Healey Public Contracts Act of more encompassing and more rigorous standards.

We need to educate consumer demand that will call for quieter jobs and products in order to make it desirable for industry to compete to produce both at less cost.

We need the City Code level to handle such noise sources as garbage collection, construction, loud speakers, and motor vehicles. We need a regional approach to the research and development of programs directed toward the alleviation of the noises that plague particular areas of the United States. Lastly we need the full cooperation of the Federal government in assisting, coordinating and financing these efforts to provide a quieter environment.

As Dr. William H. Steward of the Public Health Service once stated: "Those things within man's power to control which impact upon an individual in a negative way, which infringe upon his integrity, and interrupt his pursuit of fulfillment, are hazards to the public health."

Noise can and must be controlled as a danger to the public health and economy, but above all else we must commit ourselves to the control of the noise in our society on the basis of civilized standards.

THE REPORT BY DR. LUNA LEOPOLD ON MIAMI JETPORT

Mr. HOLLAND. Mr. President, on September 12, 1969, I wrote Secretary of Interior Hickel, asking that I be furnished a copy of the report on the proposed Miami jetport prepared by Dr. Luna Leopold. I did so since a number of newspaper articles prior to that date, September 12, indicated that the report or portions of the report had been made available to certain Members of the Senate and the press; and since the subject

of the report directly affects my State of Florida and the Everglades National Park, of which I am frequently referred to as the father, I felt a copy of the report, or at least those portions of the report made available to others, should be furnished to me.

A letter dated September 15 received in my office on September 24 signed by a Mrs. Louise Bundy, Assistant to the Secretary of Interior, advised that—

The Secretary appreciates your interest and a reply regarding this matter will be provided promptly.

On September 16, prior to receipt of the interim reply dated September 15 received in my office on September 24, my office again contacted the Department by telephone, at which time we were advised that the report was being printed and should be available "in several days."

On September 22, telephone contact was again made with the Department, at which time we were advised that the report would be available "shortly."

On September 30, telephone contact was again made with the Department at which time we were advised that a reply had been written but the language of the reply was objected to and it was being rewritten and if we had not received a reply by Thursday, October 2, we should again contact the Department.

On October 2 we again contacted the Department and were promised the report was forthcoming. However, it had not yet been received in my office this morning. Therefore, another telephone call was placed to the Department.

Mr. President, this is typical bureaucracy at its worst, for which there can be no excuse. Apparently the right hand does not know what the left hand is doing in this Department. Obviously, if it requires the efforts and time my office has spent to obtain a simple report, already completed, the more difficult problems confronting the Department could well require an eternity. Hopefully, Mr. President, administrative redtape apparently now strangling the Department of the Interior will be eliminated. May I say at this point, Mr. President, I am still awaiting the Leopold report.

CALIFORNIA CASUALTIES IN VIETNAM

Mr. CRANSTON. Mr. President, in the past week since last Thursday, October 2, the Pentagon has notified 11 more California families of the death of a loved one in Vietnam.

Those killed were:

Pfc. John M. Ananian, son of Mr. and Mrs. Christy M. Ananian, of San Francisco.

Sp4c. Mark L. Brown, son of Mr. and Mrs. Keith H. Brown, of Thousand Oaks.

Sp4c. Bryan J. de Mello, son of Mr. and Mrs. Richard M. Adams, of Palo Alto.

2d Lt. Robert G. Hartman, son of Mr. and Mrs. Maynard Hartman of Chico.

CBM George Mulrooney, husband of Mrs. Elsie L. Mulrooney of Coronado.

Pfc. Johnny Newsome, son of Mr. and Mrs. John H. Newsome, of Los Angeles.

S. Sgt. Michael A. Piacentino, husband of Mrs. Kazuko Piacentino, of Seaside.

Pfc. James S. Rogers, husband of Mrs. Luann Rogers of Palmdale.

S. Sgt. Thomas J. Simeth, father of Master Thomas J. Simeth, Jr., of Salinas.

Pfc. Edward A. Ulibarri, husband of Mrs. Virginia Ulibarri, of Salinas.

Pfc. Timmy Valadez, son of Mr. and Mrs. William Valadez, of Los Angeles.

They bring to 3,826 the total number of Californians killed in the Vietnam war.

ESTHER MORRIS—EARLY FIGHTER FOR POLITICAL RIGHTS OF WOMEN

Mr. PROXMIRE. Mr. President, the Convention on the Political Rights of Women was opened for signature at New York on March 31, 1953. The convention was at that time signed by 42 countries, not including the United States, and entered into force July 7, 1954. Since that time a total of 55 countries have become signatories to this convention. Still not among them is the United States.

It is ironic and disturbing that this country, which has probably benefited most from the services of its women, and which has experienced a progressive suffragette movement, has failed to ratify this treaty.

One of the most interesting suffragettes from the pioneer days was Esther Morris. The pressure applied by Esther Morris and other suffragettes in the Wyoming Territory was a major factor in the passage of a woman suffrage bill for that territory in the fall of 1869. The provisions of the Human Rights Convention on Political Rights of Women go beyond merely entitling women to vote in all elections on equal terms with men, without any discrimination. It also provides that women shall be eligible for election to all publicly elected bodies and shall be entitled to hold public office.

Once again, as I have said many, many times on the floor, I may say that the only obstacle in the way of the United States taking the place it should take on the human rights conventions is the U.S. Senate. These human rights conventions have been recommended by every President that we have had in the last five or six terms. The human rights conventions do not require any action by the House; it is only the Senate which must act. We shamefully have not acted on the human rights conventions on genocide, political rights of women, and forced labor, and we are, unfortunately, in the minority of nations of the world failing to do so.

I ask unanimous consent that the article from the Christian Science Monitor, "Six-Foot Suffragette Helps Win Vote in Wyoming," be inserted in the RECORD.

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

"SIX-FOOT SUFFRAGETTE" HELPS WIN VOTE IN WYOMING

(By Barbara Hildenbrand)

DETROIT.—One day just a shade over a century ago the stagecoach rumbled into the mining town of South Pass City, Wyoming Territory, carrying a troublemaking cargo—Esther Morris, all six defiant feet of her.

She had come west from Illinois to join her husband and three sons in Wyoming.

She was a suffragette. And she was in the right place at the right time. For the Congress in Washington had just declared Wyoming a territory and soon delegates to the first territorial legislature would be elected.

As soon as she was settled, Esther set to work. She organized the women in the community to beg and badger their men for help in getting women the right to vote. She entertained legislative candidates in her home and extracted from them pledges of their support for woman suffrage.

Citizens of South Pass City, watching Esther going about her task, shook their heads and forecast failure. They nicknamed her "the six-foot suffragette."

The first territorial elections were held in September, 1869. And, to Esther's delight William Bright, who was a frequent guest in the Morris home and whose wife was a strong suffrage woman, became speaker of the upper house.

When the legislature convened in the fall of 1869 Bright introduced a woman suffrage bill. The anti-suffrage forces swung into action. But to everyone's surprise the bill passed the Senate by a vote of 6 to 2 (one abstention) and the lower house by 6 to 4 (one abstention).

Why was it passed?

There were many reasons. The pressure applied by Esther Morris and other suffragettes in the territory was a factor.

But perhaps the biggest reason was plain cussedness. The legislature consisted mostly of Democrats. The governor, John Campbell, was Republican. Presenting him with a suffrage bill which they assumed he would veto would, as one legislator gleefully put it, "get the governor in a fix" with the ladies.

For whatever the reasons, Governor Campbell found the woman suffrage bill on his desk on December 10, 1869. And he promptly signed it!

Why? Unknown to the legislature he sympathized with the suffragettes.

Now, for the first time anywhere in the world, women in Wyoming had the right to unlimited suffrage. What would they do with it?

National attention focused on the 1870 elections in Wyoming. There was no discernible feminine influence on the results. Women generally voted as their husbands or fathers did. And there were only a few hundred women of voting age in Wyoming at the time, anyway.

Then trouble struck from another direction. Men belatedly realized that women, as voters, could now sit on juries. Women voting was one thing, especially when there were not too many of them, but women sitting in judgment on men was something else again.

Some enraged husbands declared "they would never live with their wives again if they served on a jury."

But in the spring of 1870 the first jury including women sat in the Laramie City Court, and according to contemporary writing "became such a terror to evil-doers that a stampede began among them, and very many left the state forever."

Esther Morris was appointed Justice of the Peace in South Pass City, the first woman justice on record. In spite of her lack of legal training, not one of the more than 40 cases she handled was reversed by a higher court.

With the passing of time, passions cooled. And the men of Wyoming began to take pride in their record of successful suffrage. When their "voting women" became a stumbling block to their admission to the Union in 1890, Wyoming men gallantly wired Washington, "We will remain out of the Union a hundred years rather than come in without our women."

Finally the House and Senate voted by

a narrow margin to admit Wyoming, woman suffrage and all. It would be another 30 years before Congress would allow all American women to vote.

When Wyoming celebrated its new statehood in Cheyenne on July 23, 1890, it was Esther Morris, still standing tall, who presented to the governor the flag honoring the occasion.

On the site of her office and home in South Pass City a monument has been raised to "Esther Morris, first woman Justice of the Peace, author of female suffrage in Wyoming"—a fitting tribute to the six-foot suffragette.

The ACTING PRESIDENT pro tempore. Is there further morning business?

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

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

The bill clerk proceeded to call the roll.

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

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

PUBLIC POLICY AND PRIVATE FOUNDATIONS

Mr. GORE. Mr. President, within the confines of the legal system, a man may do what he will during his life. After life has expired, one should not have, and should not in life expect, power or control over the living. The dead hand must not rule.

Every person, whether great or small, is entitled to hope for immortality of spirit or progeny or for lasting intellectual and moral influence, but the power, the wealth, the vanity and the will of the person, however great or imperious, do not, or should not, survive the grave.

Is it sound public policy, then, for U.S. tax law to accord economic immortality to persons of wealth through the device of a private foundation?

Man has sought continuity, both for himself and for the institutions and ideas he holds dear. We appreciate the elemental continuity of our natural environment, the earth in space and its organic production and reproduction. Personal continuity is instinctual. Almost all of us almost all of the time want a degree of continuity for ourselves, animate physical continuity.

And in spiritual and cultural matters we seek perpetuity, a continuity without definite limits. Our religion teaches of personal spiritual perpetuity. We seek to assure the perpetuity of our social institutions, our governments, our churches, our educational system. And in order to preserve these institutions, we seek to perpetuate the ideas, moral and legal, that sustain them.

Generally, our concepts of continuity may be classified as falling into one of two broad categories: those that owe their existence to what we have done, the creations of homo sapiens, and those created by an extra-human agency.

We would like to think of the latter as unchangeable. For most of our historical, and perhaps much of our anthropological, existence, man has managed to live in harmony with his natural environment. Only recently have we come to realize that man's own activities may

threaten the perpetual continuity of conditions essential to life. And we have taken steps to counter pollution of the air and water and ravages against plant and animal life as we seek to assure the perpetuity of life on our planet.

In his search for continuity, man creates entities and institutions without regard to lifespan and which are engineered, initially at least, to continue for an indefinite duration. At a given time we may think of our governments, our legal systems, our religious organizations and other social institutions as perpetuities because they are necessary for our social and community stability. Similarly we may regard as enduring forever those creations which are more individually oriented but which nevertheless contribute to cohesiveness in society, for instance, the arts, novels and histories, painting and sculpture, symphony and opera, or monuments commemorating the life of an individual or an event.

But these manmade creations, though created with perpetuity in mind, are seldom perpetuities. Governments are supplanted by new governments. Businesses change as economic conditions vary. Literature is often subject to the life styles of the moment.

Great social institutions are created and destroyed by complex historical processes. Each generation shapes and molds its institutions and the rules of its society to serve the purposes of the present. For each generation determines for itself, however imperfectly, what will best promote public policy under conditions existing at the time. As much as man may admire the judgment of his own generation, he is no more capable of binding his successors than he is willing to be bound by his predecessors.

Thus, collectively, we recognize that change is necessary, as well as inevitable. And although we may rightly seek to influence, we are under no illusions about our ability to dictate the ideas, the concepts, and the institutions of the future.

But somehow, perhaps because man is an acquisitive creature, this idea has not been so easily accepted when applied to property. Not all of us, perhaps, but most of us, seek to acquire for use by ourselves and our families a quantity of worldly goods, a laudable objective. When pressed, all must concede that you cannot take it with you. Yet frequently there is an unwillingness to accept the judgment of others about the use to which property will be put after the possessor is deceased. This has given rise to various devices and stratagems to control the ownership and to determine the use of property in perpetuity from the grave.

This is not a new phenomenon. Records show that certain of the Pharaohs donated money to colleges of priests who, for a portion of the income, pledged their order to use the remainder of the income from those funds for the perpetual protection and sanctification of their tombs. In 347 B.C. Plato left his academy and a productive endowment of land to his nephew who was required to administer the academy and the land for the benefit of Plato's followers; the nephew, in turn, left the property to the administra-

tion of Xenocrates for the benefit of the cult. Epicurus gave his gardens to 10 disciples to be administered by them and their successors as a retreat for Epicurean scholars.

In the mid-17th century the Duke of Norfolk set about preparing his last will and testament. He might simply have followed family and English tradition and have left the dukedom to his eldest son. But the times were uncertain, the monarchy had been overthrown in the Duke's lifetime, and the King had been beheaded. The Duke was intimately concerned in these events, and feared the present government might not weather restoration sentiment. If a king were restored, what would happen to families who had supported Cromwell and helped to depose the last king? To prepare for any contingency as far as the family title was concerned, the Duke provided that the dukedom could not be sold and that all property must remain intact, even after his death. Thereby his unborn descendants would be insured the estate as he left it.

In 1865 the Duke's testament came before the Chancery and Lord Chancellor Nottingham ruled:

A perpetuity is the settlement of an estate or an interest in tail, with such remainders expectant upon it, as are in no sort in the power of the tenant in tail to dock by any recovery or assignment, but such remainders must continue as perpetual clogs upon the estate . . . they are against the reason and policy of the law, and therefore not to be endured.

The policy of the rule against perpetuities was explained in *re Hollis' Hospital—1899*—as "the principle that restraints on trade are contrary to public policy." Jarman's text on wills is more explicit:

The necessity of imposing some restraint on the power of protracting the acquisition of the absolute interest in, or dominion over property, will be obvious if we consider for a moment, what would be the state of a community in which a considerable proportion of the land and capital was locked up. That free and active circulation of property, which is one of the springs as well as the consequences of commerce, would be obstructed; the improvement of land checked; its acquisition rendered difficult; the capital of the country gradually withdrawn from trade; and the incentives to every branch of industry restricted. Indeed, such a state of things would be utterly inconsistent with national prosperity.

It came to be a law of the land in England that a man could not suspend the ownership of property in perpetuity; full control had to be given to the inheritor. The precise rule is:

No interest is good unless it must vest not later than twenty-one years after some life in being at the creation of the interest.

Thus did the common law dictate that individual desire concerning disposition of real property must yield to considerations of "public policy."

As a corollary to this rule, our society developed the rule that a private trust should not have a perpetual life. This rule, however does not apply to "charitable" trusts for a public purpose.

If the Duke of Norfolk were alive today, preparing a testament with a view to a disturbed future, he might consider a

modern form of perpetuity for his property, a perpetuity sanctioned and positively fostered by society through tax exemptions, a perpetuity which could keep his family fortune or business intact, and allow his sons and the sons of his sons ad infinitum to have substantial control over and to derive substantial benefits from the property.

He might establish a private foundation.

Under our tax law a wealthy individual may select any charitable purpose, any purpose which might be considered beneficial to society—the relief of poverty, advancement of education, religion or government—and create a foundation with the stated objective of promoting such a purpose. The part of his estate placed in the foundation is tax deductible to the donor, and in the foundation, the estate and the estate's income is, insofar as present law provides, perpetually exempt from taxation. Significantly, he provides, or may provide, that the foundation shall be administered according to his guidelines and by members of his family. Foundation assets may include a corporate business, land, or other properties.

In this way, application of the rule against perpetual life for private purposes may now be avoided. But the evils to which that rule is directed are very much present. For the foundation is nothing more or less than a perpetuity with very important private benefits: the corpus may be inalienable, the purposes may be subjected to the conditions imposed by the founder in perpetuity, and that control may be placed in the hands of and used for the benefit of the descendants of the founder.

The Government cannot, Mr. President, and should not undertake to, absorb the total charitable obligation. Personal charity and organized charities are admirable and priceless and within limits should be encouraged. Nongovernmental organizations fill some of the gaps. Moreover, they are often more flexible and imaginative than the welfare bureaucracy. And as democracy encourages individuality of expression, so democracy should encourage a plurality of charitable ideals.

But we must recognize that encouragement of charitable giving through the tax system can have questionable results, particularly when the determination of what constitutes "charity" and the conditions attached to the so-called desirable contribution are determined solely by the donor. When a wealthy donor reduces his tax liability through his gift, he is, in practical effect, being allowed to prescribe the use of public funds that would otherwise be paid in taxes. And his own prescription for society's needs will prevail regardless of possible unfitness and changes including priorities established by Congress as the representatives of all the people.

Government is surely far from perfect. But it is the agent of society. Its elected representatives are responsible for making the decisions and establishing the priorities related to the spending of public funds. It is government that is held accountable, and rightly so.

If it were seriously proposed that Congress appropriate to each of the 1,000 wealthiest individuals in the country \$1 million to distribute for whatever cause or causes that might appear to each of them to be worthy, I suspect that the public reaction would be highly critical. Yet this is exactly what happens under our present tax laws. And by using the foundation device the donor not only is permitted to spend the "tax money" currently associated with his "gift," he also vests the property and directs in perpetuity the spending of the "tax money" that would otherwise accrue to the Government from the corpus.

Our present tax law, and various State statutes related to charitable giving badly need revision and I expect to discuss this subject in greater detail on another occasion. The thrust of my remarks today is directed to the broader question of public policy aspects of the perpetual foundation.

Should Federal tax policy encourage and subsidize a form of property arrangement that allows wealthy individuals to control their estate in perpetuity? Should the dead control the living for all time to come through the selection of charitable purposes that may, or even that may not, have served the public weal at the time the foundation is created?

The social needs of today are not those of 175 years ago, and they may not be the same 100 years hence. In the fall of 1789 Thomas Jefferson wrote to James Madison:

A subject which I would wish to develop a little more than is practicable in the hurry of the moment, . . . the question whether one generation of men has a right to bind another. It is a question of such consequences as not only to merit decision, but place also among the fundamental principles of every government. . . . I set out on this ground, which I suppose to be self-evident, "that the earth belongs in usufruct to the living;" that the dead have neither power nor rights over it. The portion occupied by an individual ceases to be his when he ceases to be, and reverts to the society.

Jefferson secured repeal of the statutes which established primogeniture and entail in the transmission of real property in Virginia. The result was to release from entail half to three-fourths of the large estates in Virginia.

I believe the principles enunciated by Jefferson were sound when he expressed them. They are sound today.

The private foundation, however, freezes the notion of the donor as to charitable interests into society forever. If the charter is specific, however obtuse, the trustees of the foundation are bound by it. More importantly, since the income of the foundation is tax exempt, the entire Nation is bound to follow and to contribute to the wishes of its donor. Thus a dead donor's wishes will be carried out at the expense of each succeeding generation, even though a new order of public priorities and changed conditions would have rendered the specific charitable purpose obsolete.

In a democratic society each generation should have the opportunity to make unfettered decisions concerning the social institutions which regulate

their lives. They should be free to choose from the guidelines and the abundance of material left by previous generations. More often than not, much of the old will be accepted. For barring major change in the fabric of society, a formula for stability that has well served one generation will, with appropriate modifications, serve the next. Radical change becomes necessary only when one generation is unable or unwilling to provide for social change.

But, if the opportunity for change is restricted or prohibited then evolution may give way to revolution—in economics as well as in politics.

The second problem created by private foundations is the retention and the concentration of economic power in possibly unproductive hands. The assets of foundations are effectively isolated from the mainstream of economic activity. The wealth and economic activity they represent are removed from the tax base, already badly eroded by other provisions of favoritism. This is not an inconsequential matter. According to the report of a subcommittee of the House of Representatives, the assets of just 647 foundations amounted in 1967 to about \$18 billion. We do not really know the total value of the assets controlled by the more than 30,000 foundations which have been identified.

History records that other societies have been faced with situations not dissimilar to that created for us today by the growth and proliferation in number and variety of foundations.

Charitable associations existed in the Roman Empire, and by 65 B.C. had become powerful politically as well as economically. Because so many of these participated in Cataline's conspiracy, Cicero persuaded the Senate to dissolve them as contrary to public policy.

In England, during medieval times, the ecclesiastical orders controlled more wealth than did the crown. Those who controlled these ecclesiastical orders also controlled two-thirds of the votes in the House of Lords, and one-third of the land of Great Britain. The income from these lands was some 2½ times that of the crown. The 200-year period between the reigns of Henry II and Henry VIII witnessed a running battle as the state sought to wrest control of this wealth from religious orders. The solution began to take shape in the Statutes of Mortmain, some enacted as early as the 13th century, which restricted the amount of property a man might give to charity.

When the Ottoman Empire fell, two-thirds of all real property in its domain was owned by religious organizations. The withdrawal of such property from full participation in the economy and from the tax rolls played a leading role in the empire's downfall.

I do not seek to minimize the good that is accomplished by foundations. Much good has been accomplished. Much good could have been accomplished by our Government through the use of such vast sums as are involved. That point aside the growth of foundations in both size and number has reached such proportions that they threaten to undermine economic democracy in our country.

Finally, from the standpoint of Fed-

eral tax policy, favored tax treatment of private foundations can be justified only on the basis that the public good is served. But it is clear that, while some public benefits are derived from private foundations, these entities also serve very private purposes of the donor: control of family businesses by relatives, provision of jobs for members of his family, economic and social power resulting from control of large sums of money, perpetuation of the donor's view of society's needs.

These private foundations constitute, therefore, a hybrid mix—part public welfare and part narrow private benefits, sometimes only serving idiosyncrasy. It seems clearly improper, then, to grant Federal tax benefits as if the public were the sole beneficiary of these arrangements and to leave essential determinations without safeguard or regulation.

In broadly supported public charities—churches, colleges, and universities, the Red Cross—we can feel assured that public instead of private interests are being served. The funds are quickly devoted to truly charitable purposes; expenditure policies can be changed to meet new needs and new public concerns. In short, the living—not the dead—control the funds available to these organizations. Therefore, when the Congress grants total tax exemption to these public charities, it can be relatively sure that tax expenditures by these groups will be clearly responsive to the needs of the people—as Congress itself must be in proceeding through the appropriations process.

But these guarantees are not present in private foundations. These organizations are not responsive to public needs, they may not properly serve public needs, and they may be even precluded from meeting changed public needs. A clear example of such a case has been presented to the Finance Committee in the hearings which it has conducted on the tax reform bill. The Irvine Foundation controls, through the Irvine Co., 18 percent of the land in Orange County, Calif. This is an area of rapidly developing residential development. Yet the Irvine Foundation, through the Irvine Co., has recently dedicated almost 50,000 acres of this land for "agricultural purposes" for a period of 10 years. Such an action cannot possibly benefit charity, and it is questionable whether it is in the best interest of the people of California. In any event, it is clear that the public is not being permitted to determine the use of almost 20 percent of an entire county. This is a startling example of the dead controlling the living, and it is duplicated in countless foundations in various ways throughout the country.

Therefore, insofar as Federal tax law is concerned, it is plainly inappropriate to afford the same benefits to private foundations as are made available to public charities. At the very least, there should be a limitation in time.

As a beginning, I propose that favorable tax treatment be accorded a private foundation created hereafter only if it has a limited lifespan—say 25 years, and that tax exemption for existing private foundations terminate within 25 years.

This proposed rule will provide a

charitable deduction for Federal income tax purposes to a donor creating such a qualified foundation. Further, the foundation will be exempt from taxes for the duration of its 25-year life. But, at the specified time, the property must pass into the public domain.

This rule would provide a better balance between the interests of the public and private concerns. True, it may not be adequate treatment. It still grants significant tax benefits to wealthy individuals, I acknowledge, purely and practically because of such wealth, and it still provides a generous time during which their own wishes can have absolute priority in terms of expenditures for the public benefit, neither of which benefit is practically available to persons of ordinary means. But it also insures the funds will not be frozen for all time to come into a mold predetermined alone by the donor. At an appropriate time, there will be an opportunity for society of that day to reassess the priorities to which these funds should be directed. And should this not be?

Some donors of foundations have recognized the efficacy of my view that a specific termination date should be set for foundations. In 1928, Julius Rosenwald directed the dissolution within 25 years of the Julius Rosenwald Fund. In a letter to his trustees, he wrote:

I am not in sympathy with this policy of perpetuating endowments and believe that more good can be accomplished by expending funds as Trustees find opportunities for constructive work than by storing up large sums of money for long periods of time. By adopting a policy of using the Fund within this generation, we may avoid those tendencies toward bureaucracy and in a formal or perfunctory attitude toward the work which almost inevitably develop in organizations which prolong their existence indefinitely. Coming generations can be relied upon to provide for their own needs as they arise.

I concur in the philosophy expressed by Mr. Rosenwald. I am willing now to grant by law an appropriate, fixed period of time for the furtherance of the donor's wishes. But thereafter control should pass to the living.

THE HAYNSWORTH AFFAIR

Mr. PELL. Mr. President, standards of conduct in government must be above the standards observed in other segments of our community. The people rightfully expect that some actions tolerated or permitted in the private sector will not be condoned in public service.

And, within the government, I believe, it is particularly important that the highest standards of conduct be observed by the judiciary, for those who are called upon to pass judgment must themselves be above reproach. And, indeed, among all men in government, the Justices of our Supreme Court should be called upon to demonstrate the nicest sense of ethics.

It is not just a question of doing right or wrong, for certainly wrongdoing cannot be tolerated. But for men in whom the highest trust is placed, even the appearance of a lack of sensitivity to ethical considerations must be avoided. If our country is to feel the confidence it should in the probity of our judicial sys-

tem, then it is incumbent on each Justice to follow the course of Caesar's wife.

This is the standard that must be applied in considering the nomination of Judge Clement Haynsworth. Thus far no evidence has been brought to my attention that demonstrates actual wrongdoing or evil intent. But the record does show an absence of that nice sense of ethics which I believe should be required of all Justices of the Supreme Court.

For this reason, I oppose the confirmation of Judge Haynsworth to be a Justice in our Supreme Court.

BUSINESS EXECUTIVES MOVE FOR VIETNAM PEACE

Mr. PELL. Mr. President, last week, J. Sinclair Armstrong made a very telling statement before the Senate Appropriations Committee on behalf of Business Executives Move for Vietnam Peace.

Mr. Armstrong has had a singularly responsible and successful record in Government, where his last position was Chairman of the Securities and Exchange Commission, and in private business, as executive vice president of the United States Trust Co. of New York.

Mr. Armstrong has been in the forefront of the growing legion of businessmen concerned with the waste and drain upon our national vigor which is being produced by the Vietnam war.

He believes that it is up to Congress to rescue our country from the dilemma which it is in, and help the executive branch of our Government do what should be done.

I ask unanimous consent that this cogent statement be printed in the RECORD at this point.

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

BUSINESS EXECUTIVES MOVE FOR VIETNAM PEACE

(Statement of J. Sinclair Armstrong, on behalf of Business Executives Move for Vietnam Peace, before the Senate Appropriations Committee, September 25, 1969)

Business Executives Move for Vietnam Peace is an organization of 2,600 owners and executives of American business corporations in forty-nine states who seek by open and lawful means to bring about an end of U.S. participation in the War in Vietnam.

We commenced our activity in September, 1967, spurred by several members of the Senate, who asked us, amid all the groups crying out against the U.S. bombing and fighting in Vietnam, "Where are the businessmen?"

We are executives and owners of American business corporations. The men in our group have great responsibility for management of wealth, operation of business, provision of employment, and an evergrowing concern and responsibility for our communities and our country.

My own business experience is in law and finance, and includes four years of service as Commissioner (two as Chairman) of the Securities and Exchange Commission, two as Assistant Secretary of the Navy for Financial Management, and ten in my present position as Executive Vice President of the United States Trust Company of New York (for whose official views I do not purport to speak on this occasion).

As executives and owners of American business, our numbers are small, but we notice an expansion of interest in our cause and an increase in our membership this year. As

the War which America repudiated in 1968 continues full of fight through 1969, there is little evidence of progress in negotiations with the governments and fighting organizations involved on either side.

As business executives, we see the War as unwinnable. As financiers, we see the destabilization of our domestic and international finances that it has brought about.

As citizens in our home communities, we see the blight that its excess costs visits on us in curtailment of resources for housing, education, health facilities, mass transport facilities, and productive employment.

As taxpayers, we feel the burden of its cost—the surtax, recently re-enacted—and the proposed repeal of the tax credit for investment in capital equipment by which goods are produced and America is kept modern.

We see the enormous cost of restrictive monetary and fiscal measures, and the record high interest rates—7½% on U.S. Treasury Notes—and curtailment of availability of credit, with the resulting drastic curtailment of vital housing and other construction.

We feel the inflation, the monthly increases in the cost of living, steadily up half of one per cent a month, with no end in sight.

In my testimony before the Defense Subcommittee of the Committee on Appropriations of the House of Representatives on June 9 (which appeared in the Congressional Record, June 18, 1969), I mentioned the destabilizing effect of the excessive Vietnam and other defense costs, and predicted that, if they continued, there might have to be direct wage and price controls and allocation of materials.

Several days later, the Secretary of the Treasury mentioned this possibility. After that, President Nixon said "no" to wage and price controls. But how else, except by curtailment of war spending, can inflation be curtailed? Tight money and surtax have not succeeded.

A wise leader of organized labor, George Meany, recently returned to the wage and price control theme. Neither he, nor the President, nor we Business Executives believe that that course would be good for America. The economics of the situation tell us that the Vietnam War should be ended now, in the vital interests of our free American society.

THE APPROPRIATION REQUEST FOR SOUTHEAST ASIA OPERATIONS

The Budget of the U.S., FY 1970, pages 73 and 74, states \$23,025 million as recommended budget authority ("NOA") for "special Southeast Asia" and \$25,733 million (including \$336 million "economic assistance") outlays for special Southeast Asia in FY 1970, and military personnel in Southeast Asia, 639,000 in FY 1970.

Secretary of Defense Clifford's Defense Budget and Posture Statement, delivered to the Congress in January of this year, which has not been changed by Secretary Laird so far as we know, calls for the level of operations and personnel requested in the FY 1970 Budget document, for Southeast Asia. Nor do we know whether any budget changes have been made since the President's recent troop withdrawal decisions. We are advised that no action in the House Committee has yet been taken.

Business Executives Move for Vietnam Peace urge this Committee to reject the request for NOA of \$23 billion and rescind obligatory authority heretofore granted to spend \$25.73 billion on the Vietnam War in FY 1970.

We urge this Committee to hand this request back to the Administration, and to require a new estimate based on a planned, phased, complete withdrawal from Vietnam of all U.S. forces beginning at once.

We do not have sufficient detailed data nor any staff to estimate precisely what this reduced amount should be. In view of the di-

verse considerations involved in such a withdrawal and the difficulty of making a precise estimate of its cost (recalling my own experience as Assistant Secretary of the Navy for Financial Management and Comptroller of the Navy), I believe that \$12.5 billion is a prudent estimate of the cost savings that could have been achieved this fiscal year if a start had been made. As a quarter of the fiscal year has run, \$10 billion is a prudent estimate of achievable savings in FY 1970 if the War ended now.

In his article in the October 1969 issue of "Foreign Affairs" magazine (p. 52), Representative Jonathan B. Bingham refers to "experts" who proceed "on the assumption that an end to the War might produce savings of about \$20 billion annually after two years."

We Business Executives urge this Committee to start now, by cutting the appropriation.

THE VITAL INTERESTS OF THE UNITED STATES CALL FOR PEACE IN VIETNAM NOW

The U.S. has no vital strategic or economic interest in Vietnam. That tiny country is no threat to U.S. security. We continue to waste our resources—men and materials—there for no vital security reason.

The President recently said that the time for ending the Vietnam War is now. So let us begin with the appropriation, for the War cannot go on without the money taxed from our people and appropriated by the Congress.

We Business Executives see little progress on the military or diplomatic fronts. The U.S. stated conditions of peace is free elections in Vietnam, supervised by an international authority. We are business executives not diplomats by profession. But we believe that North Vietnam will not accept that condition, in the light of U.S. failure to follow through on the similar 1954 commitment. Peace will wait a long time if the U.S. waits for supervised elections—Western style—in that rural Asian country. What is needed is a broadening of the Saigon regime and then a true coalition government of all Vietnam parties to the conflict.

We believe that the only course that will bring this about is announced, complete, total U.S. withdrawal, beginning now. Only then will the recently narrowed South Vietnam Government be broadened. Only then will it have to enter into coalition and make peace.

President Nixon could be a great President if he would act to bring this about. Former President DeGaulle's withdrawal of French forces from Algeria led to a decade of French greatness. World opinion, of our allies, neutral states, the great leaders of the U.N., such as U Thant, and of religion, such as Pope Paul, would acclaim the President, should he do the same for the U.S. in Vietnam. Congress should spur him on, encourage him, support him, in his effort to end the War now.

We Business Executives are not encouraged by recent events.

Many of America's business leaders have lost faith in our country's ability to solve our problems. The Vietnam War keeps us from confronting the domestic crisis which has split the country. Young people cease to respect our generation when we offer them no way out of a useless, unwinnable war, but expect them to fight and die in it.

And what a terrible waste of our most vital national asset—our young men—it is, with 45,000 killed and missing, and 250,000 wounded, and the pace of casualties continuing well over a thousand a week. A country that alienates its most sensitive, highly trained, and productive youth is critically weak.

We Business Executives believe that the failure of our Government to take the necessary measures to end the War signals weakness. The recent decline of stocks and bonds in the securities markets—a drastic drop this year—directly reflects lack of confidence among businessmen and the investing public

in the ability of our Government to end the War.

The Administration seems to pursue a two-faced policy on Vietnam. One face is set towards Hanoi. Secretary Laird stated in a recent interview in Time Magazine that the U.S. strategy is to reduce our forces in Vietnam to about 250,000 and keep them out of combat as much as possible to "quiet dissent".

With domestic opposition adequately "managed", the Administration seems to hope that it can convince North Vietnam that it is able to wait indefinitely for a peace offer that will be acceptable to the Thieu Government of South Vietnam. In other words, the U.S. will sit in Vietnam a decade or more waiting for the North and Vietcong to admit defeat. The other face we see in the news and on the television screen at home. That face tells us that the war is proceeding to an orderly solution. The withdrawal of a few troops, hints of progress at the negotiations, and a temporary suspension of the draft seem to be part of a carefully orchestrated plan to convince Americans that we are on the track towards a rapid end of the War.

We Business Executives doubt that this strategy can end the War and thereby help cure inflation and the other adverse economic consequences of the War. The Administration's strategy fails to confront the three stubborn central facts:

1. There can be no negotiated settlement unless the present Saigon government is significantly broadened. In recent weeks it has been narrowed and the hold of General Thieu and the other military leaders has been strengthened.

2. Troop withdrawals have little overall significance unless they are rapid and deep. General Thieu has said publicly that his government cannot survive if the rate of withdrawal proceeds at any faster pace.

3. As long as U.S. policy continues to underwrite the Thieu regime and insists upon a settlement that the South Vietnam generals will accept, North Vietnam and the NLF are furnished no inducement to make peace, and have no alternative but to continue the War.

Business Executives appeal to the Congress to end this stalemate. The making of War is Congress's responsibility.

The Congress has the power to "lay and collect taxes", "to provide for the common defense", "to raise and support armies", and "to declare war" (none has been declared against Vietnam). U.S. Constitution, Article I, Section 8, "Powers of the Congress".

The President is "Commander-in-Chief of the Army and Navy" and "shall from time to time give to the Congress information on the state of the union and recommend to their consideration such measures as he shall judge necessary and expedient". Article II, Sections 2 and 3.

Constitutional responsibility for the War clearly falls on the Congress.

The decisions of the Congress on whether to continue the Vietnam War will have vital implications for the future. If the Congress says "no" to continuing the War, and denies the appropriations for it, free enterprise in a free economy will survive and prosper in America.

So we, Business Executives Move for Vietnam Peace, urge the Congress to review the Defense Posture and Budget for FY 1970 and revise the Budget so as to cut out the appropriations with which to continue the Vietnam War. We urge this in the vital interests of the United States.

BOARD OF EDUCATION, LEE COUNTY, S.C.

AMENDMENT NO. 229

Mr. PROXMIER. Mr. President, as we all know, for many years the distinguished former Senator from Oregon,

Wayne Morse, used to rise on the floor of the Senate and object to bills which would give away Federal land without compensation. Senator Morse is no longer a Member of this body, but the validity of his point, I think, is just as strong as ever. For that reason, I am concerned about a bill that is now on the calendar, and that I understand is about to be acted upon.

So I send to the desk an amendment to that bill, H.R. 9946, a bill which would convey to the Board of Education of Lee County, S.C., the Federal Government's reversionary rights in certain tracts of land.

The land involved was originally conveyed in 1945 by the United States to the South Carolina Department of Education. The conveyance was free of cost to South Carolina on the condition that the property would be used for educational purposes, but the United States retained the right to reclaim the land if the property was put to some other use. The Lee County, S.C., Board of Education put up a grade school on the property in 1953.

In order to comply with recent school desegregation decisions, Lee County now intends to construct a new high school on this property and presumably the old grade school would be torn down. Naturally, I am delighted to know of these efforts to implement integration in South Carolina's public schools. However, the board of education has informed the House Agriculture Committee that it will not be able to float the construction bonds for the new school as long as the United States right to reclaim the land—if not used for education—is superior to the rights of the mortgagees who will put up the construction funds.

Frankly, Mr. President, I am at a loss to understand why Lee County is unable to find mortgagees who would not insist on a disavowal by the United States of its legitimate rights to this land. The money is being put up to finance a school. As long as a school is on the land, the Federal Government has no right whatsoever to reenter and reclaim the land. The county stands behind the bonds, and the reverter can be kicked off only if the county reneges on its covenant with the Federal Government.

Mr. President, I am unaware of any other instance in which the Federal Government has been compelled to give up its rights at the insistence of private financiers. To do so, as H.R. 9946 would have the Government do, would represent a clear violation of the terms of the Federal Property and Administrative Services Act, which stipulates that Federal property may be conveyed without cost only if the property is to be used for school purposes. If it is used for some other community purpose—such as park or recreational use—the act stipulates that the purchase price shall be 50 percent of the fair market value of the land. Of course, if some private or industrial use is to be made of the property, a full 100 percent of fair market value is to be paid. This is the requirement of the "Morse formula."

Now we are asked to abrogate this time-tested formula by enacting H.R. 9946. Mr. President, I cannot consent to depriving the taxpayer of what right-

fully belongs to him. Having conveyed this property free of cost, the Federal taxpayer is entitled to assurance that it will be used for educational purposes. This Senator, for one, serves notice that the Morse formula is still valid, and will be applied in the future.

However, Mr. President, I do not wish to stand in the way of integration. Accordingly, to insure that funds for the new school will be available, I hereby propose an amendment to H.R. 9946 which would subordinate the reversionary rights of the United States to the rights of the mortgagees on this property. The amendment reads as follows:

On page 1, beginning in line 5 with the word "a" strike through the word "to" in line 9 and insert "an agreement subordinating all right, title, and interest of the United States of America in and to the land hereinafter described to a lien or liens to be executed by the said Board of Education of Lee County, South Carolina, its successors or assigns for the financing of consolidated public school improvements on the said land, which consists of"

My amendment would not unconditionally release the reversionary rights of the United States to this land. It would, however, insure that the necessary funds would be available to construct the new school. If this amendment is adopted to H.R. 9946, I would have no objection to the bill's passage.

We have discussed the amendment with the staff of the Senate Committee on Agriculture and Forestry. I am very hopeful that the Senators from South Carolina will agree to the amendment so that we can act on the bill for the benefit of the people of South Carolina.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed and will lie on the table.

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

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

The 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 (Mr. BURDICK in the chair). Without objection, it is so ordered.

THE THREAT FROM GERMAN MEASLES

Mr. TYDINGS. Mr. President, it is a sad commentary on our society that we seem unable to provide some 50 million children throughout our nation with vaccine protection against German measles.

Rubella, as German measles is known, is itself a mild disease. However, it may cause serious impairment to an infant if contracted by a mother during the early months of her pregnancy. Unless adequate precautions are taken against the disease, children can be born blind, deaf, or with heart and brain defects.

During the 1964 outbreak of German measles, 2 percent of the children born in Maryland were adversely affected. Fifteen hundred children in our State were born with physical defects.

With rubella the cost in human suffering is thus great. The cost of medical treatment and special education is of course tremendous.

Fortunately, there is now a new and safe vaccine to protect against German measles which has been recently licensed by the U.S. Public Health Service.

According to a letter I recently received from Dr. William J. Peeples, commissioner of the Maryland State Department of Health, Maryland has approximately 930,000 children in the 1-to-12-years age group who should receive this vaccine now. Action is underway to provide these children with immunization during the coming school year. Yet, to meet Maryland's needs will cost \$1,311,300. This is slightly more than \$1 per child.

At this time the Federal Government through its immunization project grant can only furnish enough rubella vaccine to protect less than 8 percent of the Maryland children who need it. State and local governments will be unable to make up the difference.

The Subcommittee on Health is now considering legislation to provide additional Federal financial support for rubella control and other communicable diseases control programs. S. 2264 authorizes \$60 million for fiscal year 1970 and \$75 million for fiscal year 1971 to reaffirm and increase our nationwide effort to provide protection against communicable diseases.

The proposed legislation has my full support.

Unfortunately, it does not have the support of the administration. Testifying before the subcommittee, Dr. William Stewart, Surgeon General of the United States, and then Acting Assistant Secretary of the Department of Health, Education, and Welfare, stated that present grant authorizations are already adequate to cover the purposes of S. 2264 and that the administration is opposed to the proliferation of categorical grant programs.

I can understand Dr. Stewart's desire for administrative efficiency but am deeply disturbed by the administration's apparent insensitivity to the health of our children. The information I have from Dr. Peeples indicates that the present authority is not adequate and that S. 2264 is urgently required.

I have therefore written the President, urging him to reconsider the administration's position on S. 2264.

Surely we all have the health of our children foremost in our minds. Nothing should stand in the way of our efforts to insure that our children are vaccinated against rubella and that German measles no longer constitute a health danger.

In a democratic society that prides itself on technological skill and humanitarian concern, anything less is sheer hypocrisy.

I ask unanimous consent that Dr. Peeples' letter to me and my own to the President be printed in the RECORD.

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

U.S. SENATE,

Washington, D.C., October 8, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to urge the Administration's support for S. 2264, which authorizes \$60 million in fiscal year 1970 and \$75 million in fiscal year 1971 for communicable disease control programs.

I am concerned by our failure to have on hand sufficient vaccine to protect our children from the expected nationwide epidemic of German measles. S. 2264 would provide funds to acquire this vaccine and ensure that children born during the epidemic do not suffer the physical defects that German measles may bring.

According to Dr. William J. Peeples, Commissioner of the Maryland State Department of Health, approximately 930,000 children in Maryland should be vaccinated at this time. Yet present federal assistance to the state will cover only 8% of these children. The state and local governments will be unable to make up the difference.

On June 30, Dr. William Stewart, Surgeon General of the United States and then Acting Assistant Secretary of the Department of Health, Education and Welfare, testified against enactment of S. 2264. Dr. Stewart stated that present grant programs are sufficient to cover the German measles threat and that the Administration is opposed to the profit of categorical grant programs.

In view of the information given me by Dr. Peeples, I urge you to reverse the position stated by Dr. Stewart and place the Administration in full support of S. 2264.

I know you share with me the view that our nation, which prides itself on scientific advancement, must no longer permit children to suffer from diseases for which there are effective vaccines.

With best wishes,
Sincerely,

JOSEPH D. TYDINGS.

STATE OF MARYLAND,
DEPARTMENT OF HEALTH,

Baltimore, Md., September 23, 1969.

HON. JOSEPH TYDINGS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: A new safe, effective vaccine to protect against German measles has been recently licensed for general use by the U.S. Public Health Service. The vaccine arrives at a time when health authorities predict an imminent nationwide epidemic.

Although rubella (German measles) is a mild illness, it may cause serious impairments to the infant if contracted by his mother during the early months of her pregnancy. The results of the most recent outbreak of German measles in 1964 were devastating. It is conservatively estimated that 2% of the children born in Maryland during that year were affected. These 1500 children were born with such problems as deafness, cataracts, mental retardation, or heart defects. Many of them were undersized and failed to grow normally. The costs in terms of human suffering is difficult to evaluate. Nevertheless, we do know that the cost of medical treatment, special education, and institutionalization will be tremendous.

The Sub-Committee on Immunization Practices of the Medical and Chirurgical Faculty of Maryland composed of representatives of the State and local health departments and of the private medical community has recommended that the vaccine be used for children between 1 and 12 years. This is in agreement with the recommendations of the Public Health Service Advisory Committee on Immunization Practices. It is hoped that by immunizing this age group

first we can stop the chain of transmission to the pregnant woman thereby decreasing the threat to the unborn child.

There are in Maryland approximately 930,000 children in the 1-12 year age group who should receive this vaccine now. Programs are being planned in Maryland in cooperation with the private medical community to immunize these children during the coming school year. But the cost of the vaccine alone without considering its administration will be a staggering \$1,311,300.

At this time the Federal Government through the Immunization Project Grant can only furnish enough rubella vaccine to immunize less than 8% of the children in Maryland in the 1-12 year age group, many of whose parents cannot afford to purchase private medical care. The State and local subdivisions will be able to supply a limited amount of funds for the purchase of vaccine in addition to the large expenditure for personnel to plan and execute these rubella immunization programs.

However, there is currently a bill before the Senate, Senate Bill 2264 which requests federal funds for the Public Health Service Immunization Program. If such a bill is passed, more monies will then be available to purchase additional rubella vaccine for Maryland's children. I urge your support of this important legislation.

Sincerely,

WILLIAM J. PEEPLES, M.D.,
Commissioner.

STATEMENT BY RAND CORP. STAFF MEMBERS ON WITHDRAWAL OF TROOPS FROM SOUTH VIETNAM

Mr. CRANSTON. Mr. President, the New York Times contains an article written by its west coast correspondent, Steve Roberts, reporting that six Rand staff members, "all of whom have done research on Vietnam for the Federal Government, have urged the United States to make a unilateral withdrawal of its troops from South Vietnam within a year."

This declaration by Rand scholars is one more piece of important evidence of the nationwide disgust with our present course in the Vietnam war. Their conclusion—"an unconditional pullout was the only feasible alternative open to Washington"—matches much of our thinking within the Senate.

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

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

SIX RAND EXPERTS SUPPORT PULLOUT—BACK UNILATERAL STEP WITHIN 1 YEAR IN VIETNAM

(By Steven V. Roberts)

SANTA MONICA, Calif., October 8.—Six staff members of the Rand Corporation, all of whom have done research on Vietnam for the Federal Government, have urged the United States to make a unilateral withdrawal of its troops from South Vietnam within a year.

In a letter to The New York Times, the six said, "Such disengagement should not be conditioned upon agreement or performance by Hanoi or Saigon—i.e., it should not be subject to veto by either side."

The six said that they were acting as individuals, not as employees of Rand, a non-profit research corporation established by the Air Force in 1946. The corporation is now independent but still does 76 per cent of its work for the Defense Department.

The letter, written by men of considerable expertise who normally shun publicity, provided new impetus to the growing public

demand for swift disengagement from Vietnam.

TWO YEARS IN SAIGON

Under contract to the Pentagon, the six have studied subjects ranging from the effectiveness of bombing North Vietnam to the interrogation of enemy prisoners. One of them, Daniel Ellsberg, spent two years working for the State Department in Saigon before joining Rand.

The group includes experts on Russia, China and Japan. One signatory, Melvin Gurtov, is the author of a forthcoming book on the future of American policy in southeast Asia. The other signers are Oleg Hoefding, Arnold L. Horelick, Konrad Kellen and Paul F. Langer.

The letter writers concluded that negotiations could never bring peace to Vietnam and that an unconditional pullout was the only feasible alternative open to Washington. As one of the group commented: "Unilateral withdrawal is now respectable."

The letter listed four reasons, "apart from persuasive moral argument," for rapid American withdrawal:

"No. 1. Short of destroying the entire country and its people, we cannot eliminate the enemy forces in Vietnam by military means; in fact, military victory is no longer the U.S. objective. What should now also be recognized is that the opposing leadership cannot be coerced by the present or by any other available U.S. strategy into making the kinds of concessions currently demanded.

EXAGGERATION IS FOUND

"No. 2. Past U.S. promises to the Vietnamese people are not served by prolonging our inconclusive and highly destructive military activity in Vietnam. This activity must not be prolonged merely on demand of the Saigon government, whose capacity to survive on its own must finally be tested, regardless of outcome.

"No. 3. The importance to the U.S. national interests of the future political complexion of South Vietnam has been greatly exaggerated, as has the negative international impact of the unilateral U.S. military withdrawal.

"No. 4. Above all, the human, political and material costs of continuing our part in the war far outweigh any prospective benefits, and are greater than the foreseeable costs and risks of disengagement."

DISASTER IS DENIED

The North Vietnamese, the letter continued, have shown extraordinary "resiliency, determination and effectiveness even under extremely adverse conditions." Any hope that the enemy is weakening is "erroneous," it went on.

Moreover, the letter said, the North Vietnamese would never accept a settlement that "implied recognition of the authority of the Saigon government."

"Thus to make the end of U.S. involvement contingent upon such concessions is to perpetuate our presence indefinitely," it declared.

Unilateral withdrawal, the letter insisted, would not necessarily have the disastrous consequences predicted by supporters of American policy. Withdrawal could even produce "desirable political changes in Saigon" by eliminating support for a regime not backed by a majority of South Vietnamese and by allowing a "cohesive national consensus" to emerge.

The theory that a massive military effort in Vietnam would prevent "proxy victories" by the Soviet Union or Communist China "has long since been discredited," the letter added.

"Moreover, we regard the Vietnamese insurgency as having special characteristics that cannot be considered typical of or exerting decisive influence on other revolutionary movements in Asia or elsewhere," the letter said.

"We do not predict that only good consequences will follow for Southeast Asia or South Vietnam (or even the United States) from our withdrawal," it declared. "What we do say is that the risks will not be less after another year or more of American involvement, and the human costs will surely be greater."

DIRECT ELECTION OF THE PRESIDENT

Mr. CURTIS. Mr. President, one of the most outstanding and scholarly lawyers of Nebraska is Mr. Clarence A. Davis, of Lincoln. As a very young man, Mr. Davis carved out a brilliant career as attorney general of Nebraska. He has in a true sense been the "lawyers' lawyer." He is well known among the good leaders who make up the leadership of the American Bar Association.

Mr. Davis served during the Eisenhower administration as Solicitor of the Department of the Interior. Later, he was Under Secretary.

Mr. Davis has written an article entitled "Direct Election of the President." The article was published in the Nebraska State Journal of October 2, 1969. Mr. Davis' arguments call attention to some questions to which the proponents of direct election have no answer.

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

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

DIRECT ELECTION OF PRESIDENT (By Clarence A. Davis)

Do you want to have your vote for President nullified by a tombstone in Chicago, a vacant lot in Philadelphia, or by repeat voting of a Bowery Bum? If you don't, you better wake up to what this attractive sounding campaign for the direct election of president really means, for it may destroy your vote and end up destroying the American republic.

It minimizes the influence of the smaller states like Nebraska in their voice in the selection of a president. It opens the door towards turning this country into a vast democracy instead of a republic of sovereign states which its founders intended it to be.

Most of us were taught in grade school of the remark of Benjamin Franklin at the close of the Constitutional Convention in which he told excited inquirers: "We have given you a republic if you can keep it." Well, we are about to lose it, and lose it because of a very attractive sounding slogan which covers the ultimate destruction of our political system as we have known it.

This all grows out of the attack being made on the electoral college system. We have never voted directly for the President, but have voted for electors who later met and actually voted for the president. Each state has a definite number of electors.

This is being attacked as secondhand voting. The cry is raised that these electors have the power to vote for Joe Doakes instead of for the man who carried the state; that they are open to corruption and every other abusive charge that power greedy minds can imagine.

HOUSE DECIDES

If the electors do not have a majority for any one man, the election goes into the House of Representatives. The entrance of George Wallace into the Presidential picture is used as a horrible example of what might happen. If George Wallace had gotten, for instance, 30% of the votes and the votes had been more or less evenly divided between Nixon

and Humphrey, the election would have gone to the House.

There is much wailing over this possibility, but in almost 200 years it has happened but once. In the same long period of years, as thousands of electors of the various states have met every four years to elect a president, there are only five instances where an elector failed to vote for president for the man who carried his state and even in those cases, he voted for a responsible man who might have become a satisfactory president.

But the cry is that we must elect the president direct and that sounds attractive. I suppose if I stopped 100 people on the street someday and asked each of them, "Don't you think you ought to vote directly for the President of the United States?", probably 95 of them would say "Sure, of course" without any thought of the consequences which flow from this innocent statement.

The proposal is that we elect a president by direct vote of all of the people of all the United States. That sounds attractive. But it will not bear the light of day. It has the practical effect of turning over the control of the country to four or five large population centers and nullifying the votes cast in almost half of the states.

For instance, in last year's election Massachusetts gave Humphrey about 600,000 majority. Eleven western states, totals combined, voted for Nixon with a total majority that did not exceed that 600,000. So, the votes of all of Nebraska and most of its neighboring states would have been completely nullified by the large majority in Massachusetts, not to mention New York, Pennsylvania, or California.

I suspect the Daley machine in Chicago can turn in enough votes for its candidate to nullify the votes of the entire Mississippi and Missouri Valley. Hence, the opening sentence of this piece.

Under the present system, Nebraska is always assured of at least three votes in the Electoral College; other states differ according to increasing population, but at least they are states and they have a voice, which voice is entirely obliterated by the system of direct election.

FEDERAL CONTROLS

Furthermore, it is impossible to go to the system of direct voting without that being followed by other federal controls of our elections, and what other things I know not. But if we are to have direct election of presidents, we obviously will have to have federal election laws covering the times and places of voting, qualifications of voters, and the enforcement of election laws.

We clearly would have to set up a federal bureau of elections to hold and supervise all presidential elections. We would have to have federal clerks, federal counting boards, federal snoopers, and I suspect we would end up with not less than 25,000 additional federal employees to run our elections. We will have federal inspectors and federal clerks of election, federal counting boards in every county and sizable municipality within the United States.

It is a small wonder that we have now some five to six million federal employees and they have all grown out of just such innocent sounding phrases as direct election of presidents.

Furthermore, we would have obliterated the voice of the states in the selection of presidents. State lines would mean nothing and the candidates would obviously confine their campaigns to the vast metropolitan areas which, under this system of pooling of votes, would control the elections completely. The remaining states, for practical purposes, are disenfranchised and of no real consequence.

It is easily possible to secure a large

enough majority in New York, Boston, Philadelphia, Chicago or Los Angeles to elect a president regardless of the wishes of the rest of the country. I for one am not yet ready to suppress the voice of large areas of this country and with it the great resources that comprise most of the western United States, and turn the control of this country over to the large metropolitan areas which of all areas in our country have shown the least capacity for good government.

The operation of such a plan, obviously, would require a federal compilation of voter lists. In other words, a list of all citizens entitled to vote. And once we have started down this road, how long will it be before there is a movement for a nationwide federal referendum on the acts of Congress utilizing these same federal voting lists; and how long before we will have initiative proposals from these same voting lists; and how long will it be before there will be a campaign to the effect that these little states are not entitled to two senators but senators should be proportioned to the number of voters in the state?

In other words, do we change the basic government of the United States of a republic of sovereign states into a nationwide democracy knowing that every attempted pure democracy throughout history has sown the seeds of its own destruction?

But it is said the electoral college has a couple of weaknesses, so we burn down the barn to get a couple of rats. On the contrary, we could prevent those weaknesses by electing the members of the electoral college by congressional districts compelled by law to vote as their district voted, without losing the identity of the states or the areas within the states or permitting them to be engulfed by the votes of metropolitan areas which in turn would perish in 30 days if Nebraska and small states didn't feed them.

ELECTION CONTESTS

And what about election contests? Do we tie up the whole question of who is elected president because somebody starts an election contest in Texas or Chicago? Under the present system at least, that contest only affects the result of that particular state and the rest of the nation can proceed normally. But a contest in New York or Chicago with their millions of votes under the direct election plan can tie up the whole election of a president of the United States?

Suppose a total recount was called for. The term of the President could expire before that could ever be completed. Admittedly there is localized fraud or at least irregular voting in many of our large cities regardless of political party, but the localized fraud can only affect the vote of that particular city or that particular state. Under a national totalizing system it can infect the whole country.

To become effective, of course, as an amendment to the federal constitution, this plan must have the approval of two-thirds of the Senate and of two-thirds of the states. I would assume it would never get that approval. I would assume the senators from the smaller states would protect their constituents by voting "no," and I certainly would suspect that the legislatures of those states are not about to nullify the votes of their citizens by acquiescing in the domination of metropolitan areas.

But you never can tell. Last week I was horrified that the House of Representatives did pass exactly this measure for the direct election of president and even Congressmen who should know better fell for the glamour of the catch phrase.

This direct election of president business is a perfect example of Madison Avenue type advertising designed to catch the unwary in the net of the wily big city politicians and the intellectual theorists and the enemies of the republic.

THE FIFTH ANNUAL CONFERENCE OF SOCIALIST SCHOLARS: THE "TOTAL BREAK WITH AMERICA"

Mr. DODD. Mr. President, the fifth annual conference of Socialist scholars took place on September 5 to 7 at Hofstra University, Hempstead, N.Y.

Although the evidence is that the conference of Socialist scholars has from the beginning functioned as an intellectual braintrust for the revolutionary left in this country, for some strange reason the conference was not covered by our daily or periodical press.

For the facts about this conference, I feel that we all owe a special debt of gratitude to Mrs. Alice Widener, the distinguished editor of U.S.A. In her closing remarks Mrs. Widener points out that for the fifth time in succession she was "all alone among members of the nonradical press in reporting on the annual conference of the Marxist braintrust in America."

One can only wonder why this should be.

A few quotations from some of the statements made at the conference should be enough to establish that what we are dealing with here is not a Fabian Socialist study group, committed to evolutionary change in the tradition of moderate socialism, but a revolutionary action organization committed to the total destruction of our society.

Mr. Martin Jay, a teaching fellow in social science at Harvard University, told the conference for example:

Our movement is a movement which, in effect, is a total break with America.

Mr. Robin Blackburn, editor of the *New Left Review* of London, who was a guest of honor at the conference, called for the overthrow of "the hegemony of bourgeois culture and creation of a genuinely revolutionary counterculture."

He said:

Such a culture is impossible to achieve without the violent overthrow of the capitalist regime.

And he added to this the thought:

If the revolution is a complex totality, so must be the revolutionary party.

Mrs. Widener in her report on last year's Socialist scholars conference pointed out that the so-called scholars regard students "as the detonators for setting off revolutionary explosions." She said that the conference was now moving into phase 2 of its operations: "a phase in which they would take Students for a Democratic Society—SDS—out of undergraduate leadership, would fragment the student movement and merge it into a much more sophisticated, better disciplined, more militant international Marxist-Leninist apparatus, and would seek to overthrow capitalism in all the advanced industrial nations."

Mr. President, with Mrs. Widener's permission, I ask unanimous consent to have printed in the *RECORD* the complete text of her report on the Socialist scholars conference. I also ask unanimous consent to have printed in the *RECORD* the text of a letter which I wrote to the Director of Internal Revenue, asking how an organization committed to the violent

overthrow of our society could enjoy tax deductibility.

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

THE TOTAL BREAK WITH AMERICA
(By Alice Widener)

Openly proud of their rapid progress toward destruction of our American way of life, the Socialist Scholars—Marxist revolutionary braintrust in our country—gathered together at Hofstra University, Hempstead, New York, September 5-7, to hold a Fifth Annual Conference.

Even if broadcasting networks' television cameras had been grinding and wire service reporters had been taking notes at the conference panel discussions, which they were not, no Socialist Scholar would have minced words this year about his real revolutionary role in "the movement."

Members of the tax-exempt Socialist Scholars Conference (SSC) know they have no effectively organized anti-socialist or anti-revolutionary opposition in our country today. They knew in 1965, when they formed the SSC, that their intellectual foes had been disarmed by the accusatory slogans "McCarthyism" and "Red-baiting" and "witch-hunt"; the Socialist Scholars knew too that the U.S. Department of Justice had been disarmed legally by a series of decisions favorable to Communists handed down by a Warren Court practicing lax interpretation, not strict construction, of the First and Fifth Amendments to our Constitution.

Also, the Socialist Scholars are certain this year, as they have been during the last five years, that almost nobody among the bewildered majority of Americans asking "How do they get that way?" about violent young revolutionaries in the United States, France, Japan, Mexico and other countries, would come up with the only correct answer: "Because they were taught that way."

So why should the Socialist Scholars mince words?

They didn't.
Take Socialist Scholar Martin Jay, for example, at present a Teaching Fellow in Social Science, School of General Education, Harvard University. He told a large audience of Socialist Scholars and radical students in the Multipurpose Room, Student Center, Hofstra University, during a morning panel session, Friday, September 5: "Our movement is a movement which, in effect, is a total break with America."

DEAR HERBERT

The topic of the SSC panel discussion in which Martin Jay took part was "Marcuse [Herbert]: His Works and Influence." The other panelists were Ronald Aronson, Assistant Professor of Humanistic Studies, Wayne State University; Paul Breines, University of Wisconsin, and Stanley Aronowitz, columnist for the radical news-weekly *Guardian*.

The very long paper presented by Ronald Aronson was in the form of an open letter headed "Dear Herbert." It shows precisely why Prof. Herbert Marcuse of the University of California at San Diego, a Socialist Scholar and author of "One Dimensional Man" and "Eros and Civilization," is the internationally recognized intellectual mentor of "Red" Danny Cohn-Bendit, who played a key role in the 1968 May-June rebellion in France, and of "Red" Rudi Dutschke in West Berlin. Ronald Aronson's paper shows too, in a most vivid, personal way, why and how Marcuse, an Old Leftist, has become the intellectual idol of the so-called New Left in influencing youths toward anarchism and hedonism.

For the Second Annual Conference of Socialist Scholars in 1966, Herbert Marcuse, then 70 years old, wrote a paper saying "the Marxian idea of socialism is not radical

enough." He wrote to the Socialist Scholars, "We must develop the moral-sexual rebellion of the youth."

Marcuse's pupil, Ronald Aronson wrote in the paper he delivered at Hofstra University, September 5, 1969:

"DEAR HERBERT: . . . I want to begin by emphasizing that for myself and a few friends, studying with you was one of the decisive experiences of our lives. Your thought, personality, style of teaching and writings were overpowering . . . you helped us to take our stand in Western thought and still be Marxists . . . You introduced us to a perspective which was new and revolutionary, which made sense of our lives and helped us find our way as radicals. . . .

"You were never humble, and for that I thank you . . . No wonder we felt dominated by you. No wonder we argued after every class about what you meant, read and discussed your books as soon as they came out, quoted you against each other, made 'What would Marcuse think?' our major intellectual principle."

Pursuing the Marxist-Leninist policy of "criticism and self-criticism," Ronald Aronson then took Marcuse apart in order to put him together again, attacking and supporting his theories, exposing faults and excusing them, discrediting him and justifying him. To the uninitiated listener, such "yes-no" argument is confusing; to the informed one, who knows Marxism, it is lucid. "But, strange to say," writes Aronson to Marcuse, "this weakness is also your strength. The 'good' aspects of your writing cannot be rescued by throwing the 'bad' overboard. To spell this out is to locate the historical place and limits of your thought—and experience."

Any non-Marxist who is appalled at or mystified by the anarchism and violence of revolutionary youth in our country and abroad, need only read Ronald Aronson's own account of his own life in the paper "Dear Herbert" to gain full understanding. Rhetorically, Aronson asks how it is possible for him to be himself "and live in America." Answering himself, he writes, "The only answer that makes sense to me is this: creating my identity and becoming political. Being myself and in opposition. Seeing revolution as the way to liberate us all to live a life that is truly our own." He continues:

"What a leap I just took! A whole account of a life-search which doesn't once mention politics, and suddenly I proclaim the necessity for revolution."

He then calls on scholars to write a study—written "as Marx did"—to show "that fully-developed capitalism is necessarily totalitarian. . . . I mean that the corporations' pursuit of profits through the mass production and sale of commodities has spread to every geographic area, every inch of land, every population subgroup, every activity, every hour of the day."

Do American university presidents, corporation heads, government leaders and communications media executives really want to know how middle class American youths become violent anarchists wanting to bring down the system?

It is not possible to find an explanation more specific than that given in the following verbatim quotation from Professor Ronald Aronson's paper "Dear Herbert" presented to the Fifth Annual Conference of Socialist Scholars at Hofstra University, September 5, 1969:

"Only the sense of a wholly new way of life will do, the demand to be radical—myself—in working, in loving, in thinking, in feeling, in eating, in joking. Anything which separates me from myself oppresses, whether it comes from America or its radical opposition. Not only Nixon's patriotism oppresses, but also the idea of any community over the individuals. Not only bourgeois morality, but any morality which imposes thoughts from the outside. Not only the idea of self-sacrifice

for a class society, but any kind of self-sacrifice for a cause beyond me. Not only the middle class postponement of pleasure, but any postponement of pleasure, coming from any source. Not only guilt about not fighting for my homeland, but also guilt of any sort, even towards black people. Not only middle class role playing is outrageous—but any kind of role playing, even the role of radical intellectual or heavy politico. I have become a revolutionary because America, while willing to sell me everything, won't let me be myself. Should I give up this or that part of myself to oppose America?

"Do you see now? It's not politics that are at stake, or my ideas. My whole being is at stake. To reclaim a part of it I have to reclaim it all—otherwise I'm just playing the game. I don't have the feeling of America slowly closing in on me, the need to retreat to some small corner in order to keep mankind's hopes alive. Even 'mankind' is just another oppressive phrase to me; just another abstraction threatening to suffocate me. My experience is of being lost in the Smiling sick sea and of need to Wrench myself out step by step; my need is to avoid and destroy all of Their categories in my life, to reject bull—in all its disguises, to let America have none of myself, to get whole, and to become a guerrilla."

ACADEMIC LICENSE

Does our American Constitutional First Amendment prevent Michigan taxpayers from trying to protect youth at Wayne State University from indoctrination by an Assistant Professor such as Ronald Aronson? Are the Governor of Michigan and regents and administrators of Wayne State University under the same illusion as were their counterparts in New Jersey in 1965? That is, do they really believe that a radical socialist professor or instructor seeking the overthrow of our capitalist system can keep or is willing to keep, his own "political beliefs" separate and apart from his classroom teaching?

Let's take a look at the Socialist Scholar's record:

In 1965, New Jersey State Senator Wayne Dumont, Jr., called for the removal from the Rutgers University faculty of Professor Eugene D. Genovese for having declared at a Rutgers campus "teach-in" on Vietnam, April 23, 1965, "Those of you who know me know I am a Marxist and a Socialist. Therefore, unlike most of my distinguished colleagues here this morning, I do not fear or regret the impending Viet Cong victory in Vietnam. I welcome it."

Largely on the assertion strongly put forth by Prof. Genovese and his defenders that his campus teach-in remarks were not made in a classroom, and that his campus political life and personal views were one thing, his academic classroom role another, the Governor of New Jersey declared, August 6, 1965, that "however offensive" was Genovese's statement, it did not constitute grounds for dismissal.

A month later, Prof. Genovese told the First Annual Conference of Socialist Scholars (McMillin Theater, Columbia University), "we must exert the moral leadership we are prepared to give young radicals. . . . The political separation—activist and academic—is a matter of convenience. That, we all know."

Now in 1969, the Socialist Scholars—among whom Ass't Prof. Ronald Aronson of Wayne State University is a leading member—are so confident of being able to play their real campus role with total immunity that they have formally abandoned the "convenience" of professing to separate their political and classroom activities.

The official invitation to the Fifth Annual Socialist Scholars Conference, issued May 1969, stated the organization is expanding its functions by recognizing that "any socialist organization—even one limited to intellec-

tual work—is a political organization." The official SSC program for the conference at Hofstra University states:

"When the SSC was founded five years ago its declared purpose was to 'bring socialist scholars together in order to stimulate analysis, theory and criticism.' . . . the organization welcomed all who call themselves socialists . . .

"During these years . . . the need for an expansion of purpose and function has been general. . . . The SSC now seeks to provide an organizing focus for the effort to identify and establish the intellectual's role in the development of a socialist culture. . . .

"An expanded definition gives rise to additional activities."

One of these activities will be inexpensive reproduction and distribution of SSC papers in pamphlets "for assignment in the college classroom materials written from an explicitly socialist perspective . . ."

There you have it.

Sure of immunity, the Socialist Scholars no longer need the "convenience" of dissimulation concerning aims, methods and acts. They no longer need to put on a false front of academic objectivity; they no longer need to pretend that there is a separation between activities off-campus and on-campus, out-of-classroom and in-class.

Ronald Aronson's "Dear Herbert" probably will become a classroom assignment for students taught by Socialist Scholars who—as listed in the 1969 conference program—have infiltrated or penetrated the faculties of Wayne State University; University of Wisconsin; Harvard University; University of Maryland; Washington University; New School (for Social Research) New York City; Boston University; Hofstra University; John Jay College; McGill University (Montreal, Canada); Douglass College; Massachusetts Institute of Technology; University of California; Long Island University; Essex County College; University of Pennsylvania; State University of New York at Stony Brook; Amherst College; Yale University; Federal City College; Brandeis University; Richmond College, City University of New York; Brooklyn College.

THE MIND BLOWERS

Doubtless students studying with Socialist Scholars at the foregoing academic institutions, and dozens of others, will be given a classroom assignment to study Ronald Aronson's maxim that "revolutionaries need to engage the whole person; his activity, his imagination, his sense of lost hopes. Not tracing the structure of capitalism, but blowing people's minds."

That's what the Socialist Scholars are all about—blowing people's minds, and especially young people's minds. At SSC panel sessions, the devastating path of the intellectual hurricane blowing thousands of young American victims into a mindless culture of drugs, obscenity, pornography and anarchy was as discernible as the weather map path of hurricane Camille on its way to destroy Gulfport, Biloxi and Pass Christian.

At a September 5 panel session on "The Student Response to the American Century," Socialist Scholar James O'Brien of the University of Wisconsin traced the historic development of American socialism in this century, praising all socialists, regardless of faction, for the role they played in trying to destroy capitalism, from Walter Lippmann of the Intercollegiate Socialist Society (Harvard, 1913) to Mark Rudd of Students for a Democratic Society (Columbia, 1968); from John Dewey, author of "progressive education" to Herbert Aptheker of the present Communist Party, U.S.A. and Institute of Marxist Studies; from the late Norman Thomas, of the Socialist Party and Social Democratic Federation, to Michael Harrington, author of "The Other America" and a present leader of Americans for Democratic Action. All socialists—Communist, Trotskyite, Democratic, Christian or Maoist—have made invaluable

contributions to the downfall of middle class ("bourgeois") culture and impairment of the American corporate structure, explained James O'Brien. Had his historically accurate paper been written by an anti-socialist, it probably would have been shouted down by the Socialist Scholars as a guilt-by-association tale told by a "McCarthyite" or "Bircher."

THE DEATH PERIOD

In commenting on his own paper, James O'Brien boasted, "Capitalism is in its death period, and some progressive capitalists acknowledge it."

Indeed some do, even as some wealthy German, French and British capitalists, Catholic, Protestant and Jewish, backed National Socialist Adolph Hitler during the early 1930's, hoping to ride on the crest of "the wave of the future."

In our country today, there are many "progressive capitalists" financing socialist attacks on our great corporations, the furnishers of essential services and the producers of consumer goods—from ethical pharmaceutical drugs to insecticides, from cigarettes to lipsticks, from automobiles to transistors, from computers to television sets and toys.

It is true that no human institution is faultless; and our great business corporations are not; but muckraking against American business always has been a socialist business, and from it sprang the current fad for "consumerism" which had its origin in the Communist-organized subversive Consumer's Union founded in 1935. It remained under Communist control until 1953, when changes in personnel were made and the organization was removed from the House Committee on Internal Security list of subversive organizations. There is no question that the American consumer needs legal protection against fraud, injury, unfair business practices and other criminal activities. But there is also no question that there exists in our nation today a deliberate campaign of vilification against American corporate enterprise by socialists, and especially Socialist Scholars, who, in turn, are turning thousands of young men and women in schools and colleges into members of a student-worker alliance such as nearly brought down France in May-June 1968.

THE DECISIVE LINK

The American business corporation was the main target of the Fifth Annual Socialist Scholars Conference at Hofstra University this month. And the scholars linked the radical student movement closely with the anti-corporation campaign. All Marxist-Leninists believe (and SSC guest of honor Robin Blackburn, editor of *New Left Review* in London reiterated it), "The theory of the weakest link is the theory of the decisive link." At the panel on "The Student Response to the American Century," Bruce Brown of Washington University said, "The university is the weakest link of capital corporate structure." Brown explained that the corporation is the "nuclear institution" around which American capitalism is organized, and he charged that in the United States "affluence is only attained through the surrender of control to corporate bureaucracy." Describing himself as a "revolutionary," Bruce Brown told the Socialist Scholars, "We must begin an anti-corporate struggle on its own terrain and not wait for a crisis." He went on to say that the term "youth" should be used to define "a group only in part defined by age, that is, a modality of society free of bureaucratic [capitalist] control."

Bruce Brown's statement explains the seeming paradox in a "New Left" American radicalism that professes rejection of "anyone over 30" but takes direction from Old Leftist septuagenarian Herbert Marcuse, and from middle-aged Herbert Aptheker of the Communist Party, U.S.A.

To make sure of not being misunderstood, Bruce Brown explained, "The student move-

ment is the catalyst for extending revolution outside the campuses."

What the Socialist Scholars mean by saying they will introduce into the classroom teaching materials written from "an explicitly socialist perspective," was made clear in Bruce Brown's remarks. This "scholar" declared, "Marxism is the only theory of capitalistic development; to deny Marxism is to deny that capitalism still exists."

It won't exist very much longer in the United States, and neither will the American corporation, if the Socialist Scholars have their way. A year ago, I reported after having attended the Fourth Annual Conference of Socialist Scholars, at Rutgers University, that they regard students as the detonators for setting off revolutionary explosions, and that the Socialist Scholars were moving into "phase two" of their operations, a phase in which they would take Students for a Democratic Society (SDS) out of undergraduate leadership, would fragment the student movement and merge it into a much more sophisticated, better disciplined, more militant international Marxist-Leninist apparatus, and would seek to overthrow capitalism in all the advanced industrial nations.

SCHOLARS ON SCHEDULE

All is taking place on schedule. Control of SDS and rival factional radical student groups has been removed from undergraduates' hands and centralized in graduate student and adult organizations. The official Socialist Scholars conference program, September 1969, announces that SSC will join forces with the Bertrand Russell Peace Foundation in a series of public meetings on "Toward a Revolutionary Strategy for Advanced Industrial Countries." The first meeting is scheduled for late November in New York City and will discuss "Agencies for Social Change." Main speakers will include André Gorz, author of "Strategy for Labor" and editor of *Les Temps Modernes*; James O'Connor of San Jose State College, California; and Ernest Mandel, author of "Marxist Economic Theory" and editor of *La Gauche*. (A Belgian instigator of the 1968 May-June rebellion in France, Mandel is banned from that country but was guest speaker at the Fourth Annual Conference of Socialist Scholars, Rutgers University, September 1968.)

On Saturday, September 6, 1969, the guest of honor at the Fifth Annual Conference of Socialist Scholars, Robin Blackburn, British editor of the influential *New Left Review*, spoke at length in a panel session on "Recent European Theory and the American Left."

Mr. Blackburn explained, "Lenin is not difficult to accept by us Western revolutionaries." It is a mistake, he said, to allege that Lenin taught the necessity of one single revolutionary party. At certain stages of development—Blackburn said—Lenin favored the expediency "of a number of competing revolutionary groups." Blackburn continued, "If the revolution is a complex totality, so must be the revolutionary party." He called for overthrow of the "the hegemony of bourgeois culture and creation of a genuinely revolutionary counter-culture." There must be a decisive break with middle class (bourgeois) culture, he said, a break that is "the reverse of Puritanism." He said such a socialist culture "is impossible to achieve without the violent overthrow of the capitalist regime."

As I said earlier, the Socialist Scholars no longer mince words.

However, even Blackburn's call for "violent overthrow" was not explicitly socialist enough to suit him and his listeners, and so he went into great detail putting current affairs in such clear perspective that there is no longer the slightest necessity for continued discussion in general academic, governmental or law enforcement circles about the significance of the "youth movement" and its role in our nation's and other advanced industrial nations' affairs, now dur-

ing the Vietnam War, or later, after it has come to an end.

"Youth culture," said Robin Blackburn, "takes out a segment of society from bourgeois society." He praised the hippies and yuppies and all manner of freak-out youth, including the 300,000 at the Woodstock Festival in New York last month. He praised highly the American "underground culture" because "its explicit themes are anti-capitalist."

And so they are.

There is not a single underground newspaper or magazine in the United States which does not carry anti-capitalist political propaganda along with the obscenity and pornography.

Also, the United Nations World Health Organization has issued the strongest condemnation of marijuana as introduction to use of mind-blowing narcotics, there is scarcely a single Leftist in our country who does not oppose our laws against use and sale of marijuana.

At the Fifth Annual Conference of Socialist Scholars, I overheard two members—one from Fairleigh Dickinson in New Jersey and one from New York State University at Stonybrook—talk about the "outrageous pig-administration cooperation in marijuana repression" and go on to praise marijuana as a useful means of "liberating" students from "middle class authoritarianism."

The Socialist Scholar from Fairleigh Dickinson hastily added, "Of course, I don't approve of students using hashish and hard stuff."

Obviously, the speaker had in mind the death from narcotics use, this year, of Fairleigh Dickinson III, age 19, in a dormitory at Columbia University.

The Socialist Scholars in Adams Hall at Hofstra University, September 6, loudly applauded Robin Blackburn's analysis of youth culture. But they gave still more enthusiastic approval to Blackburn's analysis of current "anarcho-populism" in the advanced industrial nations. In the United States and elsewhere, he explained, anarcho-populism should be favorably regarded because it is undermining "the archaic institution of private property."

To foster anarcho-populism in our nation, the Socialist Scholars—aware of the multi-racial, culturally diverse nature of our population—strongly favor a multiplicity of radical groups and organizations among us. Indeed, the Socialist Scholars are assiduously promoting as many radical groups as possible, believing that in our big country with its big and regionally diverse population, variety is not only the spice of Socialist life but also its bread and butter. The Socialist Scholars are far too smart to put all their eggs in one Party basket. That is why they accorded as much attention to Ralph Schoenman, passionate Trotskyite and head of the Bertrand Russell Peace Foundation, as they did to Robin Blackburn, Marxist-Leninist who praises Stalin and Mao Tse-tung.

PEACE, PEACE?

At the SSC panel session on "Recent European Theory and the American Left," Mr. Schoenman opened his remarks with the salutation, "Comrades, friends, and all of us who are revolutionaries: . . ."

The most interesting thing about his presence at the Socialist Scholars Conference was the presence there of his associate in the Bertrand Russell Peace Foundation, U.S.A., executive secretary Arthur J. Felberbaum, Jr.

Several times, during discussion periods following panel sessions, Mr. Felberbaum went to the microphone to ask questions and offer comments. He is not an eloquent speaker, being more activist than scholar. In fact, he is so much an activist that he attended a "Pretty Boy Floyd Memorial Lecture" sponsored by Students for a Demo-

cratic Society and Movement for a Democratic Society at The New School (formerly New School for Social Research) in New York City, October 3, 1968.

The lecture took place in a closed-off section of the fourth floor cafeteria. Newspaper headlines throughout the world were reporting the terrible violence of the student revolution in Mexico City. Speakers at the Pretty Boy Floyd lecture were an innocent looking little blonde, Sara Murphy, who looked as if she wouldn't hurt a fly but talked cold-bloodedly in favor of the bloody Mexican student rebellion as a means of "bringing down the repressive Mexican Government," and a Spanish-speaking "Comrade Rafael" accompanied by two other Spanish-speaking revolutionaries.

Miss Sara Murphy said all had taken part in the violent student struggle as a means of forcing Mexican police and troops to discredit themselves in the eyes of Mexican workers, peasants and "petite bourgeoisie." Arthur Felberbaum, recently returned from Mexico City, said the rebellious Mexican students went into a new housing development in the city to force the troops and police "to shoot at unarmed students" and thus discredit themselves in front of uninvolved housing development residents "and bring the petite bourgeoisie into rapport with the revolution."

(That same evening, October 3, 1968, on the 11 p.m. CBS news, reporter Bert Quint, broadcasting from Mexico, fell into the Mexican revolutionists' propaganda trap and, during filmed scenes of the housing development shooting in Mexico City, talked about the Mexican authorities' "senseless shooting at unarmed students." There was not a hint in his news report that the revolutionary students had deliberately planned things that way, including the inevitable slaughter of civilians.)

At the Pretty Boy Floyd lecture, last October, Arthur Felberbaum charged that our Federal Bureau of Investigation works against the Mexican "people's movement" in concert with the "repressive" Mexican Government. He scoffed at its charge that "foreign revolutionaries" sparked the Mexican student rebellion. But Felberbaum's own description of his own involvement, plus that of other participants in the Pretty Boy Floyd lecture, appeared to be proof that there was sound basis in the Mexican Government's charge.

All during the lecture, Mr. Felberbaum and other participants made ugliest possible remarks about the F.B.I. and about American and Mexican police. This was to be expected by anyone familiar with the sinister significance of the lecture title "Pretty Boy Floyd." On June 17, 1933, murderous gangster "Pretty Boy" (Charles) Floyd took part in the "Kansas City Massacre" in which two detectives and the chief of police were killed, one F.B.I. agent was killed, and two F.B.I. agents were wounded.

What has all this Pretty Boy Floyd lecture incident of last year to do with the Fifth Annual Conference of Socialist Scholars this year?

Only that Ralph Schoenman, head of the Bertrand Russell Peace Foundation, and its executive secretary, Arthur J. Felberbaum, militant revolutionary activist, have teamed up with the Socialist Scholars to devise a revolutionary strategy for the advanced industrial countries.

The formal announcement of this alliance gives ample advance warning of its import. "Toward a Revolutionary Strategy . . ." it says; not "Toward a Peaceful Evolutionary Strategy . . ."

Among the industrial nations, the United States is the most advanced. Thus it is the main target of the Socialists' revolutionary activities. The bull's eye in that target is exactly what the Socialist Scholars say it is—the capitalist American corporate structure.

At the very center of the bull's eye is the American citizen's right, under our Constitution, to own private property. That right is essential to our life and liberty, and to our pursuit of happiness. These the Socialist Scholars wish to destroy.

Now, for the fifth time in succession, I have been all alone among members of the non-radical press in reporting on the annual conference of the Marxist braintrust in America, the Socialist Scholars. There is no mystery at all about their movement; it is what Martin Jay of Harvard University says it is—"a total break with America."

On campuses throughout our nation, Socialist Scholars are training our children to make that break. In virtually all our academic communities, Socialist Scholars are studying researching and teaching the most effective means for violent overthrow of our government and destruction of our way of life.

Is anyone anywhere going to do anything to thwart their activities? Or, is it possible the Socialist Scholars already have succeeded in "blowing" people's minds?

OCTOBER 1, 1969.

MR. RANDOLPH THROWER,
Commissioner, Internal Revenue Service,
Washington, D.C.

DEAR MR. THROWER: In a special report on the Fifth Annual Conference of Socialist Scholars, the well-known writer, Mrs. Alice Widener, states that the Socialist Scholars Conference enjoys tax exemption. If this statement is accurate, and if, in addition, the statements attributed by Mrs. Widener to various spokesmen at the Conference are also accurate, then I believe that some explanation is in order from the Internal Revenue Service.

Personally, I can conceive of no construction of the law which would grant tax exemption to an organization which calls for the violent overthrow of the government, and which functions as an integral part of the brain trust of the New Left movement.

I enclose for your examination a copy of Mrs. Widener's report, captioned "The Total Break With America".

I would be grateful if you could provide me with a statement of the facts in this matter.

Sincerely,

THOMAS J. DODD.

THE UNCOMFORTABLE PRESSURE OF INFLATION

Mr. CRANSTON. Mr. President, the American economy is an inflationary spiral. The morass of statistics which illustrate the unusually high interest rates, great increases in the Consumer Price Index for staple goods, and the rising costs of steel-mill products does not reveal how an economy out of control affects the individual wage earner in his ability to adequately provide for his family. Millions of Americans are now personally feeling the uncomfortable pressure of inflation while prices are raised by large corporations unable to be sensitive to the individual American consumer or wage earner.

The responsibility for control of the economy belongs to the President. Late last month, the Senator from Oklahoma (Mr. HARRIS) spoke to a convention of the industrial union department of the AFL-CIO. In his perceptive analysis of the state of the national economy, Senator HARRIS documented the administration's failure to control inflation in a way that will not injure the precarious financial position of the workingman. I now

join the Senator from Oklahoma in his call for President Nixon to halt inflation and to use the moral force of the Presidency to speak out on behalf of the mechanic, the laborer, and the farmer.

I ask unanimous consent that the remarks of Senator HARRIS be printed in the RECORD.

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

REMARKS OF SENATOR FRED R. HARRIS, DEMOCRAT OF OKLAHOMA, CHAIRMAN OF THE DEMOCRATIC NATIONAL COMMITTEE, AT THE CONVENTION OF THE INDUSTRIAL UNION DEPARTMENT, AFL-CIO, ATLANTIC CITY, SEPTEMBER 25, 1969

Everyone here today knows that the American economy has enjoyed an unprecedented period of growth with relatively stable prices, for most of the past eight years.

By the end of 1968, business profits had doubled in eight years, and real spendable family income had increased by 32 percent. Unemployment, which stood at a staggering seven percent in 1960, was cut in half. Ten and one-half million jobs were added to the rolls and 12 million people were able to move above the "poverty line" during the years 1960-1968. Price performance for those eight years has been rated better than that of any other industrial nation in the world.

Even when the rate of price increase picked up in 1968, prices were still kept stable enough to permit the average wage earner in America to make real gains in spendable income.

Now, the American people face the hard economic fact that what has been a fundamentally healthy economy is in serious danger from unprecedented inflation and outrageously high interest rates. The economic gains of the past eight years may indeed be wiped away. Take one alarming example: The Consumer Price Index for meat, fish, and poultry has gone up almost as much in the past seven months as it did in the previous ten years. (From the base year of 1959 until December, 1968, the Price Index for meat, fish, and poultry increased by 14 points—to 114.4. By the end of July, 1969, that same index stood at 127.6—an increase of 13.2 points in seven months, and an annual rate of increase of 20 percent.) This is happening at a time when the producer of these commodities is also suffering.

Since this Administration took office, the period of stable prices has dramatically ended. The Consumer Price Index reflects many other distressing examples of what has happened to the American economy during the first half of 1969:

Mortgage interest rates rose during the first six months of this year at an annual rate of 14.4 percent.

The cost of medical care has increased during the same period at an annual rate of 8 percent.

The price of gasoline has increased 5.3 points since January—an annual rate of increase of 9.4 percent. If this trend continues, gasoline prices will increase more during 1969 than they did during the entire eight years between 1960 and 1968.

Since January, the price of copper has risen 24 percent, as primary copper prices have been raised four times in eight months.

Since January, the price of steel mill products has increased 4.5 points on the wholesale price index—an annual rate of increase of 7.1 percent. This is roughly equal in just nine months of this Administration to the percentage increase during the entire eight-year period from 1961 through 1968.

These figures do not include the August increase of 4.8 percent in rolled steel sheets—nearly 5 percent in the month of August alone. Rolled steel goes into every automobile and virtually every appliance Americans buy.

All during this rapid and alarming growth of serious economic disease, President Nixon has steadfastly refused to utilize the power of the Presidency and the moral authority of the office the American people gave him, despite the fact that inflation was one of the three principal issues he said were most important when he was a candidate.

In the American system, the Presidency has become the focal point, the single place for making clear the public interest, as distinguished from individual private interests.

Andrew Jackson once said: "When the laws undertake . . . to make the rich richer and the potent more powerful, the humble members of society—the farmers, mechanics, and laborers—who have neither the time nor the means of securing favors to themselves, have a right to complain of the injustice of their government."

It is the President of the United States who must deal with such injustice, who must speak out in the name of the people whose voice he is elected to be.

The individual American is essentially helpless without vigorous Presidential leadership in behalf of the public interest.

This is especially true in the basic industries, where price increases roll like ocean waves through thousands of products which the individual consumer buys.

Even General Motors could not—without the President's help—stop a steel price increase, and we have since seen a 4 percent auto price increase by General Motors for its 1970 models. The point, however, is not that General Motors was a good company in 1968 because it limited its price increases and is a bad company in 1969 because it announced a \$125 per car average price increase. The point is that the rules of the game have changed and General Motors is playing the game by those new rules—namely, it is Administration policy not to interfere in pricing decisions even in industries as concentrated as the automobile industry.

The same has been true for interest rates—the big banker knows that it is Administration policy not to interfere with these decisions—and the small banker has no choice but to go along. That's why big bank profits are running 25% to 30% ahead of this same period last year.

With skyrocketing interest rates and radically unstable prices, we have seen, in eight short months, an economy that was fundamentally healthy for eight years become seriously endangered by inflation. And the middle-income fellow, the wage-earner, is paying the bill for this lack of leadership.

Seven days after his inauguration, President Nixon announced that the government would not intervene in price and wage decisions, that the fight against inflation would rest on fiscal and monetary policy without, and I quote, "exhorting labor and management" to exercise restraint. Every American wage earner knows what the consequences are now, and are going to be, if this cost-price push is permitted to continue. Every American housewife knows what it means in the marketplace.

What is the Administration doing about this crisis?

While many of us were at work on the Senate floor trying to cut non-essential military spending, the President gave us no assistance in the fight.

I believe that working men would cooperate in restraints on wage increases if there were real restraints on the increase of prices for everything they have to buy. Yet, the President has not to this day spoken out against interest rate increases or price increases in the basic industries.

Instead, a few days ago, the Chairman of the Council of Economic Advisers said that wage increases would have to be trimmed next year. Whatever happened to concern about price increases? When the Nixon Administration recently advocated before the Senate Finance Committee, of which I am a member, that instead of granting the full

tax reduction provided in the House bill for the overburdened middle and lower income taxpayers, we provide more relief for the wealthy and for the corporations, I was reminded that the late Robert LaFollette of Wisconsin once said that he was started upon his great liberal career by a commencement address of Chief Justice Ryan, who declared:

"The question will arise, and arise in your day though perhaps not fully in mine, 'which shall rule—wealth or man; which shall lead—money or intellect; who shall fill public stations—educated and patriotic freemen, or the feudal serfs of corporate capital?'"

The President must at long last face up to the responsibility which is his, and his alone.

The economic gains of the past eight years—gains for which you men and women of the AFL-CIO have labored more than any other group—must not be lost.

Too much depends upon the health of the American economy. If the President does not act decisively now to roll back interest rates, if he does not show determination to hold down prices, then price and wage controls may become the only alternative. It would be ironic indeed if the man who refused to use his office to protect a healthy economy were consequently forced to institute controls—in a last-ditch effort to rescue an economy he had allowed to deteriorate.

This Administration has been having trouble with its priorities. What I have been speaking of here—the health of the American economy—surely deserves a very high priority. The President's fiscal and monetary policies have clearly been inadequate. He must add the moral suasion of the Presidency to get this inflationary, high interest rate spiral under control.

The American people have asked no less of their government in the past. We must not accept less today.

AGRICULTURE — THE NATION'S LARGEST AND MOST IMPORTANT INDUSTRY

Mr. TALMADGE. Mr. President, I have always maintained that agriculture is the Nation's largest and most important industry. It is vital not only to our national economy, but to the health and well-being of every man, woman, and child in the country.

This is why I have been appalled in recent years by the increasing tendency to relegate agriculture and farmers virtually to second-class status in the American society. While other segments of the American economy have increased their incomes many times over in recent years, agricultural income has generally stayed the same and, in fact, has even suffered a loss. Farm production costs are six and seven times what they were a decade ago. But farm income continues to lag far behind. Food prices go up, and the farmer is blamed. Someone is getting it—such as some of the middlemen, but it is not the farmer, as any examination of farm products price trends readily shows.

I think it is incumbent upon all of us to recognize the importance of agriculture and to do everything possible to improve the farm situation. This applies to Government and to the private sector as well.

In Georgia, I am proud to say, top businessmen and agricultural leaders are working together through the Georgia Agribusiness Council to promote agriculture. In the magazine Top Op,

a farm journal publication, there appears an excellent article of the splendid work being done by the Georgia council. I found this to be an extremely interesting and enlightening article. For example, it is stated that more than 30 percent of the manufacturing jobs in Atlanta are based on agriculture products, supplies, and services; that agribusiness provides two-thirds of the total income in the State of Georgia; and that agribusiness firms comprise 66 percent of all manufacturing in the State. I feel certain that the important role of agriculture is duplicated in the economy of many other States and urban areas.

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

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

AGRICULTURE CAN TELL ITS STORY
(By Norman Cavender)

As the Sixties draw to a close, U.S. agriculture stands face-to-face with one of the thorniest problems in its history. But the right moves could turn the problem into an opportunity.

The situation is simple: Agriculture's voting power has withered away. As several USDA officials have recently pointed out, only 31 of the nation's 435 congressional districts have 25% or more people living on farms. And 21 states have not a single congressional district with as much as 15% farm population.

This is bad enough. But there's more to the problem. In many quarters, agriculture's public image is little better than that of the Mafia. Consider some typical examples.

A congressman from New York, questioned about agricultural conditions today, immediately lashes out at "fat-cat farmers getting rich on government subsidies." His remarks are reported to millions of newspaper readers.

A civil-engineering student at the University of Illinois, asked if he considered studying agricultural engineering, replies, "Get serious! There's no future in that."

A young woman picketing a Cincinnati supermarket is asked why she supports the boycott of California grapes. Her impassioned reply: "Why children are starving in those fields. They're dying like flies. And if a worker's child eats even one grape, the farmers beat him!"

A letter to the editor of a Philadelphia newspaper charges that a milk-marketing order "serves no function except to guarantee that the average Pennsylvania family will be robbed of \$25 to \$100 a year."

A *Life* magazine survey asks people what purchases they think are poor values for the money. The overwhelming choice for poorest value: food and beverages.

In the midst of public outcry over pollution, *U.S. News & World Report* lists the sources of pollution that are "spoiling the environment." Chief villain: agriculture, with 1.3 billion tons of pollution. The 2.3 million readers of *U.S. News* are not told that the major portion of agriculture's "pollution"—manure and crop residue—is exactly the same kind of "pollution" that Mother Nature has been turning back into the soil since time began.

The list could go endlessly. Never mind that the incidents distort the truth. The point is, the public believes such things. And it is this public that holds the voting power.

Now something is being done about it. The most impressive effort comes from Georgia, where urban business leaders have decided it is time to step in and help agriculture improve both its publicity and its profits.

The move began in 1963, when members of the Georgia Agricultural Alumni Association

apprehensively studied reapportionment of the legislature, pending state elections, a newspaper's attack on agriculture, and public misunderstanding. The Association was prevented by its charter from tackling some of these areas, particularly when politics were concerned. So Clyde Greenway, executive director of the Sears, Roebuck Foundation, suggested the situation called for a new organization.

Greenway was not alone in this thinking. Other members decided some new moves had to be made. One was Phil Campbell, Georgia's Commissioner of Agriculture (now USDA Undersecretary of Agriculture). Another was Bill Sutton, vice president of Citizens & Southern National Bank. Campbell is a warhorse of the first rank, and the problems evident in 1963 were a bugle call to him. Sutton, an officer of the largest bank in the Southeast, knew agriculture's importance to the economy.

These men, and others like them, set up the Georgia Agribusiness Council. The concept was simple, but it had a touch of genius: Persuade business executives to use their talent and influence in fighting for agriculture.

The men hit the recruiting trail. With a little polite arm-twisting, many hours of time, and a great deal of cold, hard logic they got a membership nucleus from all over the state.

To strengthen its hand in Atlanta, the young GAC asked the Chamber of Commerce to furnish a report on agriculture's importance to that city. The results even opened some eyes at the Chamber of Commerce: *Over 30% of the manufacturing jobs in Atlanta were based on agricultural products, supplies, and services.*

A similar study was made for the state. Among its findings:

Agribusiness provided two-thirds of the total income in the state.

Agribusiness firms comprised 66% of all manufacturing firms in the state, 62% of Georgia's payrolls, and 68% of the expenditures for new plants and equipment.

"An Atlanta newspaper had reported that only 6.4% of the state's personal income came from farming," says Henry Simons, executive director of the GAC. "But that's only the tip of the iceberg. We have to show people the whole iceberg—all those businesses and jobs involved in producing, handling, and selling farm crops and farm supplies."

The GAC exposed the iceberg. Businessmen saw that problems on the farm shook the total economic framework of the state. So GAC picked up more support.

The Council now has 250 members, paying from \$50 to \$500 annual dues. The names include Southern Railway System, Georgia Power Co., Southern Bell Telephone and Telegraph Co., Ford Motor Co., and Shell Chemical. The membership list contains 33 banks and almost every type of agribusiness firm from electric-power suppliers to food retailers.

The influence available here is enormous. And it's the kind of influence the farmer lacks. For example, C & S National Bank is one of the nation's most respected financial institutions, and its president, Mills B. Lane, Jr., is an internationally recognized banking leader. Sutton, as an officer of that bank, gets a cordial reception behind doors that would be closed to the farmer.

Greenway, of Sears, Roebuck Foundation, can win an argument for agriculture when an individual farmer can't even get anyone to listen to him.

John Duncan, Washington-based executive of Southern Railway, can reach more influential people in a single day than the farmer can in a year.

These and other members of the GAC know how to use influence. And they're using it to help agriculture solve some of its problems.

Recently, for example, a state-commissioned study recommended broad tax

changes. One of the recommendations would have wiped out a market advantage that the Georgia peach crop enjoys. The GAC quietly stepped in and persuaded state officials and members of the legislature to alter that portion of the tax package.

As for agriculture's problem with public relations, the GAC mounted a campaign that any politician would envy. First it assembled a roster of business leaders willing to hit the banquet trail and speak up for agriculture. Then it reached down into almost every county in the state and installed a local chairman, in each case picking the most influential man it could get. These local chairmen set up programs for civic clubs, schools, and other groups. The speakers are the GAC businessmen.

The Rotary Club in Savannah might pay little heed to a farmer or county agent. But it will sit up and listen as an executive of a major bank or manufacturing company tells it why agriculture is important.

"We don't forget the ladies," says Greenway. "We make a special effort to get to their clubs. Those women hold a lot of power. And if the farmer is going to get better prices, they're the ones who will pay them."

On top of this, the GAC prepares weekly columns on agribusiness for newspapers throughout the state. It puts out bumper stickers and pamphlets, and it produces radio and television spots to be used in station breaks.

The GAC is far more than a public-relations organization. Working with a 10-point action program, it wrestles with some of agriculture's toughest problems. The program:

Survey and develop new markets for Georgia's agricultural products.

Develop a system to value land for tax purposes according to use, rather than real estate value alone.

Bring in new processing plants to strengthen the market for farm products and boost the total agribusiness complex.

Determine the strengths and weaknesses of Georgia agribusiness, and recommend steps for growth.

Set up a Financial Advisory Service to strengthen the businesses that serve and support agriculture.

Develop a program to train competent personnel for agriculture and agribusiness.

Show the public the vital contributions agriculture makes to the country.

Pull together producers, processors, suppliers, financiers, transporters, wholesalers, and retailers to support agriculture.

Maintain a continuous watch on imports, particularly those that compete with Georgia farm products.

Publish a newsletter of political developments that affect agriculture.

This is an ambitious program. But the men are deadly serious about it, even though the organization is only three years old and not yet up to full membership.

The GAC has gotten its quickest cooperation from urban businessmen. In most cases, these executives recognize the importance of supporting agriculture. But in the rural areas, GAC has had a tough time getting cooperation. It has been difficult to convince the small-town businessmen that something needs to be done.

Recently Clyde Greenway paused in the midst of a busy week of travel and speeches and commented wearily, "I just don't know. The people closest to agriculture are the hardest to budge. We've gotten cooperation from rural areas, but not as much as we need."

Undersecretary of Agriculture Phil Campbell puts his finger on the problem. "The farmer must have a bigger voice," he says. "That voice could come from the people who buy from him, sell to him, finance his business, and transport his goods. After all, his business supports them. But you have two obstacles. People in the cities fail to realize

the importance of agriculture. People in the rural businesses realize it, but don't recognize the need to do anything."

This is what the GAC is all about. And even with rural businessmen dragging their feet, it has made a major impact. Already, Oregon has set up a similar organization. At least five other states have requested information. And a national Agribusiness Council is getting underway, with Henry J. Heinz, II, president of H. J. Heinz Co., as president.

These organizations are recent on the scene. But there's a veteran on the West Coast. California agricultural leaders noticed in 1959 that only eight of the 120 state legislators were farm oriented, and less than 8% of the state's population came from agriculture. So they organized the Council of California Growers and gave it the single but vital job of improving agriculture's public image.

The Council surveyed the public and members of government to determine what they thought about agriculture. Then it launched a campaign to get the facts across.

At the entrance to almost every major city in the state, the Council erected billboards bearing the message, "Even in the space age agriculture is still our most important industry." It put agriculture's messages into record albums for the schools, video tape for the television stations, programs for radio, films and brochures for the public.

Periodic surveys prove that the Council is getting the message to the people. Today, most residents know that agriculture is the state's most important industry. When housewives throughout the U.S. picketed to protest food prices, a survey in California found almost no one who believed that the farmer was getting too much for his products.

The Council is providing factual information about the grape boycott, water problems, farm prices, and a host of other issues. "We're guided by a basic principle," says Leslie Hubbard, executive assistant. "All statements bearing the Council's return address must be completely accurate and true. This has paid off. The public has confidence in us, and reporters and editors know they can accept our statements without having to check them for accuracy."

This is the key. If agriculture can get the truth across, it can pick up widespread support. The grape boycott is a perfect illustration of the problem; it survives because the public doesn't know the facts.

For example, the Rev. John Speers, Anglican priest in Toronto, organized a "Grape-Boycott Day" this past May. Like millions of other people, he acted on what he thought were the facts. But shortly afterward, he visited the California vineyards. What he saw was totally different from what he had been led to believe. He returned to Toronto, repudiated the boycott, and announced that he would buy California grapes.

Hundreds of other persons—mayors, students, housewives, grocery-store managers have likewise withdrawn support from the boycott as the facts slowly surface. But many are still misled. People who grow, ship, and handle grapes are losing millions of dollars. And growers are laying out hefty sums to counter the propaganda: \$400,000 for ads through J. Walter Thompson agency alone.

"The grape boycott is evidence of the total problem," says a Chicago manufacturing executive. "The public doesn't recognize its ties to agriculture. My wife and I were angry when our supermarket removed California grapes from the shelves. I don't believe any group has a right to tell us what we can or cannot buy. But you know who should have been angriest of all? The men who deliver milk, and cut meat, and bake bread, and sell vegetables. They should have marched in and demanded that the supermarkets put grapes back on the shelves. If it can happen to grapes, it can happen to any food. There's a vast army of people out there whose jobs

depend on agriculture. If agriculture can reach these people, then it will have plenty of strength."

Organizations such as the one in Georgia are moving in this direction. But the job is a big one. In fact, it's difficult just to get special-interest groups working together. But the GAC proved it can be done. Not only does the GAC have the backing of businessmen, it receives enthusiastic support from Farm Bureau, Extension Service, Ag Alumni Association, and the state Department of Agriculture.

"Everyone has to pull together and get this job done," says Tommy Irvin, Commissioner of Agriculture. "Otherwise public opinion will squeeze off agriculture's research funds, support restrictive taxes, elect unsympathetic politicians, and even make the housewife balk at paying fair prices for the farmer's products. If this happens, our whole economy will suffer."

These things are already happening in some areas. But men of vision are proving that agriculture can do something about it.

GROUP AUTO INSURANCE—A WAY TO LOWER PREMIUMS

Mr. NELSON. Mr. President, most automobile owners are required by law to buy insurance.

Unfortunately, they are not protected adequately by law or regulation against two trends in the auto insurance industry: First, sharp increases in premiums for regular auto insurance policies; and second, refusal to insure at regular rates large groups of persons declared, often with no justification, "high-risk" customers.

In a speech at the recent convention of the Allied Industrial Workers in Chicago, the Senator from Michigan (Mr. HART) urged support and pledged his aid for a plan to offset the increasing cost of auto insurance.

Senator HART asked organized labor to continue its push for group auto insurance. In his speech he outlines how the consumer would benefit from such programs.

In essence, Senator HART suggested that auto insurance costs could be cut if companies insured by group rather than eliminate by group.

I ask unanimous consent that the text of Senator HART's speech be printed in the RECORD.

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

GROUP AUTO INSURANCE—A WAY TO LOWER PREMIUMS

(By Senator PHILIP A. HART)

It has been observed that if you take free advice, you get what you pay for. In the case of speech topics, that observation should be amended to read that the audience could get more than it paid for . . . regrettably.

For example, it has been suggested that I talk this afternoon about auto insurance, credit rating, a certain hearing now going on in Washington dealing with a certain judicial appointment, and taxes.

Now if I took all that advice, you would get much more than you paid for, deserved, or, I suspect, could accept gracefully. This hall would be empty by the time I completed my in-depth discussion of all those topics some hours hence.

Let me hasten to assure you that I have no intention of visiting such cruel and unusual punishment upon so many people who I hope I can call friends.

The problem then becomes how to choose among the free advice without offending the friendly advice-givers.

I solved the problem this way.

I chose auto insurance because it gives me an opportunity to ask a favor of you.

I want your support in helping to make group auto insurance programs available across the nation.

This may sound like a small request and a boring topic, but stay with me for a moment.

The request is bigger than it sounds, for 36 states, either by regulation or law, have discouraged development of such programs.

The subject may sound boring, but it may spark your interest to learn that such a program can save you money.

Let me explain.

Rates for group auto insurance could be developed on the basis of the number, ages and driving experience of the persons in the group. A single average rate would be established and coverage would be guaranteed everyone in the group. The plan could include conversion options, non-cancellable clauses, and, if part of a labor contract, the employer could agree to pay part of the premium.

The benefits then would be:

1. Broader coverage.
2. Less restrictive underwriting.
3. Lower premiums.
4. Easier purchase and payment of premiums.

These benefits would counteract some of the undesirable trends now affecting the auto insurance industry.

Premium rates are rising in many states, rising rapidly. In fact, in 19 states rates have gone up more than 10 per cent since January 1.

I understand that average annual auto insurance payment is \$200. A significant percentage of that premium goes to meet selling and administrative costs.

It has been estimated that group auto insurance, which eliminates some of those costs, could reduce rates 15 per cent or more—that's \$30 a year or more, on the average.

And, of course, if group auto insurance were part of a labor-management contract, the saving to the employee could be even greater. How much greater? That depends on the contract.

Along with rising insurance premiums, the car owner is faced with the prospect of being denied auto insurance at regular rates as companies, in efforts to cut costs, write less and less auto insurance.

Companies are eliminating, often with no justification, large groups of so-called high-risk customers.

This approach is, of course, unfair to individual members of such groups who may be an extremely good risk for insurance.

Most states, of course, require auto insurance, so persons unfairly denied insurance at normal rates are forced to purchase what the law requires at higher rates.

Surely, the customer deserves some protection against this practice.

Group insurance would provide that protection. In short, insuring rather than eliminating by groups benefits the individual, and that is what consumer protection is all about.

It may seem to you that the fairness and the logic of the plan guarantees speedy acceptance across the country . . . but, as I indicated earlier, such is not the case. And this is where my request for assistance comes in.

To repeat, thirty-six states, not including my home state of Michigan, have laws or regulations discouraging development of group auto insurance programs.

Economic benefits aside, aren't these laws and regulations, in effect, barriers to collective bargaining?

Probably only with strong support from such consumer-oriented organizations as unions can we reverse these moves against group auto insurance.

I urge you to renew the fight to make group auto insurance available in all states. If you do, I pledge to seek federal legislation if such legislation is required.

Among those opposing the availability of group insurance are some independent agents. I think they err in taking that position.

Companies who sell auto insurance directly, bypassing agents, are taking a larger and larger share of the market. The independent agent will be in a more competitive position if he can offer group plans.

Keep that point in mind. You may have to make it many times as you embark on the effort to ensure that everyone can buy required auto insurance at equitable rates.

A CANDLE FOR COLORADO

Mr. METCALF. Mr. President, utility corporations distribute much irrelevant and misleading information while withholding data that should be readily available to stockholders, customers, and regulators. A case in point is Public Service Co. of Colorado, having headquarters in Denver.

Six years ago the head of Public Service Co. of Colorado, Robert Person, was also president of Edison Electric Institute, the trade association of the investor-owned utilities. He and EEI managing director Edwin Vennard arranged for the production and national distribution of the film entitled "The Power Within," designed to incite viewers to demanding congressional cutback of the Rural Electrification Administration. The film, filled with innuendos and falsehoods that I have previously mentioned, was also designed, according to the manual accompanying it, to "prepare a path for further education or action, as your company desires."

Detailed instructions distributed by the power industry covered methods by which letters to Members of Congress could be made "to appear spontaneous to the recipient and not as though it were a planned concerted effort by any one interested group."

High level personnel of Public Service Co. of Colorado spent many days arranging the diffusion of this propaganda through its service area, as I have previously reported to the Senate. The company did not list one penny of the many thousands of dollars it spent on this political operation as a political expenditure. Nor, for that matter, did any other power companies report their expenditures on "The Power Within" as a political expense, as can be easily verified by their form 1 reports on file at the Federal Power Commission.

Recently this same company was challenged on these same issues—distribution of the irrelevant and withholding of the pertinent—by a stockholder. At the company's annual meeting, he noted the bland dismissal as "business expenses" of the company's extraordinary expenditures for advertising, promotion, golf balls, smokers, road shows, and country club memberships and its elaborate presentation to stockholders on the company's role in the community. He contrasted these examples with the

company's failure to report to the stockholders, in accordance with the law, a \$4.7 million lawsuit pending against the company.

Mr. President, I understand the difficulties faced by one or many ordinary utility stockholders who seek to change company policy. I voted my 10 shares of stock in a utility against its proposal to make an additional 200,000 shares of stock available for option by insiders. The head of the company, who has already received more than half a million dollars in windfall profits from options, decided the issue his way at the annual meeting last June. Management of the utility ratifies management's desires by casting proxies of absent owners of large blocks of stock.

Nevertheless, I believe recognition should be given to the Denver businessman, Gerald R. Armstrong, who is trying to obtain a voice in utility management for the small stockholder. Mr. Armstrong was without electricity, having refused to pay his bill in protest of company policy. I sent a candle to Mr. Armstrong. I suggest that others who support his effort do the same, perhaps in care of Cervi's Rocky Mountain Journal, 1326 Delaware Street, Denver, Colo. 80204, the local newspaper which perceives that a utility stockholder's attempt to cut out executive featherbedding and increase reporting of hard financial data is, indeed, newsworthy.

Mr. President, I ask unanimous consent to have printed in the RECORD articles from Cervi's Journal concerning Mr. Armstrong's efforts. I also ask unanimous consent that a canned editorial, "The Scent of Bondage," distributed free by Industrial News Review to 11,000 editors on behalf of Public Service Co., of Colorado, be printed in the RECORD.

The editorial is a part of the utility's campaign to portray itself as a wild pony. This is necessarily an expensive campaign. It will take a great deal of education, and perhaps several viewings of "The Power Within," for the ordinary ratepayer to understand that a utility monopoly is really standing out on the prairie all alone, nostrils aquiver and mane flying, while the Gerald Armstrongs and other big bad wolves close in with their candles.

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

[From the Denver (Colo.) Cervi's Rocky Mountain Journal, Apr. 30, 1969]

PSCO EXPOSED ON PRESS BRIBES—HUGE ADVERTISING, PROMOTION JUNKETS PAID FOR BY PUBLIC

(By Douglas Bradley)

More than \$1 million was spent by the Public Service Co. (PSCO) on institutional and electricity advertising last year with newspaper and broadcasting media, it is disclosed by the utility's accounts. Additional large sums were expended by the PSCO on advertising natural gas and on promotions to build a reservoir of goodwill and predisposes the corrupt to wink at the utility's transgressions.

Still other expenditures were made by the PSCO during the year that involved junketing which ranged from such things as country club memberships for executives to a ludicrous unending flow of golf balls, men's smokers and the importation of road shows.

Sizable expense accounts, month after month, for PSCO executives, shrouded in aggregate and undetailed amounts, effectively hide from stockholder and customer the facts on what channels the utility's funds are diverted to and who the beneficiaries are.

No protest from the public is possible since nearly all the media expression sources have been bought and harnessed.

In the annual report, the consolidated accounts write off \$52,166,997 as "other operating expenses." PSCO purchases of gas and power, maintenance and repairs, depreciation, taxes etc. are separately dealt with in the accounts.

A PSCO stockholder, Gerald R. Armstrong, who was cut off at the recent annual meeting when he tried to raise questions on the utility's munificence in so many directions, charged that the extravagance is being paid for by unwilling stockholders and unwitting customers.

"These expenses are cutting down our dividends and adding to the staggering burden imposed on users of electricity and natural gas," Armstrong said.

At the annual meeting, President Robert T. Person hinted that applications will be made to the Public Utilities Commission for an increase in the rates now paid by the public for gas and electricity.

When and if such applications are made, the Public Utility Commission may cause investigation to be made into the PSCO's enormous budget for advertising and promoting its effectual monopoly.

Two of the main beneficiaries of the PSCO's advertising budgets are the Denver Post and the Rocky Mountain News. Both newspapers covered the annual meeting; neither mentioned the accusations of waste raised.

Stockholder critics accused PSCO of unjustified expenses in the advertising and promotion programs on the grounds that since the PSCO represents a monopoly, in effect, the area it serves . . . "what is PSCO trying to sell by advertising other than itself, and with whom does it pretend to compete for the consumer's dollar?"

President Person had an explanation for the advertising:

"It has the purpose of creating a specific demand for the increased use of appliances that use our services," he told the stockholders.

"Institutional advertising is directed toward the public to create goodwill. We also promote the state of Colorado as a desirable place in which to live and to do business."

Person did not have similar rationale to advance to the stockholders in regard to all the intriguing et cetera shown in PSCO's accounts—nor was Armstrong permitted time to get into this. He got as far as Person's personal expenses and the many country club memberships for executive personnel before being choked off.

Armstrong questions ruled "after time" concerned the purchase of more than 900 golf balls bought by the utility; the hiring of a time-keeper for a basketball game; the bringing to Denver of an Illinois road show; and the spending of more than \$1,700 on a lost study of the utility's operation.

There were several "shows" that stockholder Armstrong wanted to query at the annual meeting but the particular one arousing his curiosity was a GE club smoker on March 15, 1968, in which transportation and printing expenses were listed at \$863, and talent for the same even extracted from the utility a sum of \$1,200.

In the \$1,700 study, the PSCO hired Gordon O. Jacobs of San Francisco to advise the company on how to run its advertising department. For some reason, the PSCO was unable to turn up a copy of Jacobs' report.

The total advertising payoff to the Denver Post during 1968 was around \$100,000. The Rocky Mountain News had to be satisfied

with a lesser amount. The institutional advertising expense of the utility averaged out to \$4,700 monthly for the Post. The PSCo gave the News a disparaging average of \$2,500 a month.

Other press media received correspondingly less down to a \$75 monthly average for the Rocky Mountain Herald.

Few daily and weekly publications are left out. Industry house organs, union and church, craft and quasi-professional periodicals have reaped a quota.

The names are repetitive in the year-long accounts. A typical group of payments taken in part from the March 1968 allotments are as follows:

Aurora Star, \$86.40; Intermountain Jewish News, \$115.20; Police & Fire Journal, \$33.80; Tri-County Firemen, \$15; TV Guide, \$244; Colorado Farm Bureau, \$37.48; Daily Journal \$119.70; Lowry Airman, \$44.80; Arvada Enterprise, \$140.16; Denver Leader, \$42; Denver Lutheran Forum, \$23.81; Westminster & District 50 Journal, \$201.60; Jeffco Publications, \$141.12; North Denver Tribune, \$60.

The Denver Post managed to maintain a healthy consistency. In June 1968, it was \$7,731.14, dropping a little the following month to \$6,987.17.

In contrast, the Rocky Mountain News ranged from \$3,954.55 in January to \$3,341 in June, but by August it was climbing back up to \$5,213.60.

The variances between the two daily newspapers reflect not only the circulation figures but also the opinion held by PSCo management that the Post is a stauncher supporter of the utility's policy and tries harder to adhere to the PSCo line.

Some of the July payments by PSCo for advertising are interesting:

Colorado Trumpet (Republican Party newspaper) \$44.80; Mining Record, \$50; Jefferson Sentinel, \$93.68; Mullins Outdoor Signs, \$1,760; Aurora Advocate, \$138.77; Colorado Transcript, \$142.75; Guestguide Publications Inc., \$40; Peace Officers Magazine, \$100; Western Farm Life, \$205.80; Colorado Labor Advocate, \$323.40.

Guestguide did not always show a measly \$40. The previous month (June) it scored with a check for \$1,195 for advertising. A German-language newspaper published out of Kansas and called the Volkszeitung Tribune also collected intermittently during the year—in June for \$52.50.

The broadcasting media is far from overlooked. High payments in July ranged from \$4,150 for one station to \$60 for a smaller outfit. Here are some PSCo checks for the month:

KLZ-TV, \$3,225; KWGN, \$3,480; Mullins Broadcasting (KBTB), \$4,150; KOA Stations, \$3,022; KADX, \$214; KBTR, \$380; KDEN, \$731; KDKO, \$315; KFSC, \$60; KGMC, \$288; KHOW, \$624; KIMN, \$720; KLAK, \$900; KLIR, \$330; KLZ-Radio, \$432; KOSI, \$540; KTLN, \$848; and KQXI, \$75.

Apart than advertising, expenses under scrutiny by the critical stockholders included a number of items presenting incongruity such as the following:

To Mack McGinnis, the sum of \$10 for one year's presentation of comedy and comments for Robert T. Person; Rocky Mountain Management Club, dinner for members and guests \$433.50; a GE bowling tournament at the Crown Bowling Center, \$150; training of selected PSCo employees in nuclear engineering fundamentals at Colorado State University, \$7,074; Eugene L. Teigman, time-keeper for basketball game, \$106; Colorado Jaycees, sustaining membership, \$750; Urban America Inc., support, \$500; 30 dozen golf balls, \$725; softball entry fees, \$840; Jack E. Carver, talent fee for five television commercials, \$610.

A legal counsel firm kept busy by the PSCo against plaintiffs bringing suit or threatening to do so, was paid \$30,000 "on account" in June 1968. The firm was Lee, Bryans, Kelly & Stansfield.

The personal expense element included almost every PSCo executive on the roster. Much of the expense information submitted was clouded.

For example, President Person's meetings with the Atomic Energy Commission in the spring of last year involved a check being written for him amounting to \$2,328. How he spent the money was not available to the stockholders.

The list of challenged items on expenditures is long. The information available to the public about the public utility's conduct is not public enough, was the comment of stockholder Armstrong.

Some stockholders believe there are clues to the PSCo motives in a couple of 1968 expense items listed:

One item records a payment to N.W. Ayer & Son Inc. of a first contribution to current electric companies' advertising programs of \$14,199; and the second lists one quarter's subscription of \$7,200 to the Edison Electric Institute.

It was only last year that the institute awarded PSCo honors for its Cabin Creek project now under challenge in the federal courts by the contractor who built it.

[From the Denver (Colo.) Cervi's Rocky Mountain Journal, Apr. 23, 1969]

ANYONE FOR GOLF? STOCKHOLDER CLUBS PSCo EXPENSES

(By Douglas Bradley)

If the Public Service Co. could harness the vigor of its stockholders, it could add up to a lot of excess energy. In a severe endurance test at the annual meeting last week, several hundred of the stockholders bravely withstood historic lantern slides, an exercise in computer graphs, a firm on the utility's nuclear plant construction, and long-winded management monologues.

Relieving the almost three-hour tedium were some stockholder questions and comments that the PSCo plainly tried to inhibit. There was also a hint of takeover aims casually dropped into the news hopper by a stockholder's question.

Said that (primed?) stockholder: "Other companies have joined with PSCo in the past. Wouldn't it be better for our company now if it joined with other Colorado companies? Wouldn't it make for a bigger and finer company?"

Answered President Robert T. Person: "... We realize that there could be a coming together of the PSCo with other companies. These matters are under continuing investigation. ... At any rate, all stockholders should be apprised that management is interested in this type of progress and growth."

A stockholder not rehearsed by management, Gerald R. Armstrong, credit executive and real estate investor, had to wait more than two hours as he noted, to press some reform proposals upon the company.

By the time Armstrong came to speak, many in the fatigued audience were champ-ing to call it a day. A claque of employees, with dutiful cheers and applause, endorsed Person's ruling that short-circuited Armstrong as out-of-order, not germane, or otherwise over his time limit.

Armstrong, in three proposals, urged that stockholders should be allowed to elect the utility's auditors annually; that comprehensive reports on the annual meetings should be mailed to stockholders unable to attend; and that the utility's corporate by-laws should be available to stockholders on demand.

The support he drew dismayed management. In the tally, more than 326,000 shares were voted in favor of each Armstrong proposal. But it was insufficient to upset management's notion on who "owns" the company.

Armstrong claimed the utility's refusal particularly to publish stockholder com-

plaints in its annual report and proxy material, and the withholding of by-laws, is detrimental to good management-shareholder relationships.

Person said Armstrong had been provided with a copy of the by-laws.

Armstrong: "It took four letters and one telegram to get a copy. At the outset all I received was three recipes for preparing salmon. I think this was inappropriate at a time when I wanted to talk turkey." (laughter).

Person said that stockholders with constructive reasons for needing a copy of the by-laws in future would not be denied them.

Armstrong had a comment about the comparatively small attendance. He said:

"The PSCo has 25,000 stockholders—many of them institutional investors. It seems curious the utility picks the third Wednesday of April for its annual meeting.

"That date coincides with the annual meeting of American Telephone & Telegraph which also attracts institutional investors. The phone company registers the date of its meeting with the New York Stock Exchange—the PSCo does not. The phone meeting represents competition for the PSCo.

"I think our management is fondest of the absentee stockholders who give it their proxies."

Armstrong got a disagreeable stare when he inquired how many stockholders voted against the management-sponsored slate of directors (proposed by a Mr. Virtue) and how many shares this represented.

"We do not record this information," Person told him coldly.

Armstrong's persistence in demanding data eventually moved the chairman to warn the stockholder that he was in danger of becoming an un-person.

Any implication that Armstrong might be bodily removed posed some problems. In addition to his own stock in the utility, he represented a number of other shareholders. He also turned up at the annual meeting with a burly private bodyguard, an attorney and a woman secretary.

Armstrong's questions challenged the prudence of management in bond sales and ethics on Person's expenses.

The stockholder noted that PSCo accepted a 1968 bid on \$25 million worth of first mortgage bonds at 6.75 per cent interest, and boasted in the annual report that it was a good rate. Commented Armstrong:

"At the same date, the Wall Street Journal reported the current rate on utility bonds was 6.6 per cent. Why did we have to pay higher rates for our bonds?"

Person: "... We sold them at the most attractive rate available and being commanded in the over-all bond market at the time. ... You are well aware of the fluctuations in interest rate paid at any given time."

Some murmured scepticism arose. In the \$25 million transaction a decimal point error is costly to the stockholders and to the consumers.

On Person's individual expense account, Armstrong invited him to justify an approximately \$10,000 item relating to travel and country club dues.

Person protested his expenses were presented with back-up detail. When the questions got into Person's personal messenger service to the Denver Country Club, Armstrong's battery-powered microphone started raising static.

"I don't know why you won't provide electric microphones like other companies," Armstrong complained. A mirthless stockholder nearby had an answer: "But then they couldn't jam you without jamming the other mikes."

Armstrong to Person: "Let's get back to your expense account. These expenses for getting your golf clubs from this building to the country club seem unusual. If we're good enough to pay the membership fee, can't you carry the clubs with you?"

Person (exasperated): "First of all, you know very well that a messenger did not deliver my golf clubs to the Denver Country Club from my office. The voucher will show, I am sure, that some posters were delivered by Speedy Delivery Service—I believe.

"I do belong to the Denver Country Club and any items relating to business are charged as company expenses and the balance I pay for personally. The charges run about 50-50."

Armstrong was not satisfied and returned to the fray:

"How do justify our corporation having to pay your country club membership and (Vice President Paul) Brookover's at Cherry Hills Country Club and at the Denver Athletic Club, and other executive memberships at Hiwan Country Club?" he demanded, and stirring a yell of laughter when he added: "It looks like the shareholders are being clubbed to death."

Person: "I won't make the obvious remark in answer to your question (renewed laughter). Let me simply say that in the course of our operation, which are very extensive and go in many directions, and recognizing the various matters in connection with company business, it is not uncommon to have these types of facilities available. Only club expenses pertaining to business operations are submitted to our accounting department . . ."

Stockholder questions on the failure of PSCo to disclose in proxy material that litigation against the utility over its Cabin Creek pumped storage plant has not yet been settled, were answered by Person that the policy statements had been prepared in accordance with advice from counsel. The chairman also pointed out that Cabin Creek had won an industry award for exceptional performance.

A rattled PSCo engineering executive, told by Person to answer Armstrong's questions on "missing megawatts of energy" said the stockholder had lost him.

"If Cabin Creek is as functional as claimed," Armstrong observed later, "the excess production of electricity could have been sold—say to rural electric cooperatives and neighboring states starved of electricity.

"That is, of course, if PSCo management had the real benefit of PSCo investors at heart. Such a policy also would help the consumers of electricity because the profit generated could have been reflected in cheaper rates."

Publicity released by PSCo on its safety record prompted another question from Armstrong on a recent threat by the International Brotherhood of Electrical Workers Local 111, to place a picket line around the downtown PSCo building following a dispute over safety.

The question was answered by another PSCo vice president:

"I'm not certain how you know about this," he stammered, "There was an occasion when the (union) business manager said he would place a picket line around the front of our building . . . This did not concern our own employees but was in connection with a private contractor.

Person touched fleetingly on the decision made by Denver District Court that voters were cheated in the PSCo franchise election by being denied their right to vote. The case was dismissed without PSCo being subjected to penalty . . . "but I believe we can anticipate an appeal."

The earlier historic slide show at the annual meeting managed to link most people in Denver's venerable past (plus one Abe Lincoln) with PSCo's developing glory . . . "Fantastic," muttered a director apparently taken by surprise.

Management, embattled during the past year by consumers over high Denver power charges, was concerned in projecting for stockholders higher rates and income antic-

ipated. Person used color charts to explain the charge extracted from electricity users by PSCo in 1968.

No stockholder thought to ask how much the soporific picture shows cost. Person in his address did raise the subject of promotional costs for enlightening the public on the utility's proper role in the community.

Arising out of that, a *Cervi's Journal* story on the utility next week will deal with how the PSCo channeled a lot of its money in selfless pursuit during the year.

[From the Denver (Colo.) Cervi's Rocky Mountain Journal]

CHARGE AGAINST PSCo FILED WITH SEC, PUC

A stockholder of the Public Service Co. (PSCo) has filed formal charges against the utility with the Securities & Exchange Commission (SEC) alleging violations of the regulating federal act.

Gerald R. Armstrong of Denver asked the SEC to order the PSCo to reconvene its annual meeting because it suppressed vital information from the stockholders and made illegal decisions as a consequence.

In separate action, Armstrong also registered a protest with the Public Utilities Commission (PUC) about PSCo expenditures.

The SEC headquarters in Washington confirmed that Armstrong's complaint had been received. A spokesman would only comment: "The matter is being looked into."

In Armstrong's complaint, he accused the PSCo of violating the Securities Exchange Act (Rule 14A-3) on solicitation of proxies. The rule states that in information to be furnished security holders, material data must not be omitted as shall make a company's financial statements misleading.

Armstrong points out to the SEC that on April 16 last at the utility's annual meeting, he asked if there were any law suits pending against the corporation. He was told to research the annual report.

He goes on to assert that neither in the annual report nor proxy statement is there reference to a \$4.7 million suit in the U.S. District Court filed against the PSCo by its contractors on the Cabin Creek project.

"As the outcome of such a law suit could seriously and considerably affect the future market values of the stock and shareholders' dividends, there was a misrepresentation to the shareholders," the Armstrong indictment reads.

"I now request that you take that action necessary to cause the Public Service Co. to re-issue its proxy statement to include the details of this litigation, reconvene its annual meeting, and nullify the actions taken in the previous meeting."

In the PUC state agency protest, Armstrong alleged infringements of the Colorado statutes.

Drawing attention to the utility's expenditures on such things as country club memberships and other boondoggling, the Denver stockholder said that such expensive frills violated the spirit as well as the terminology of regulations designed to protect the public from the consequences of improper utility management.

In the protest Armstrong asked the PUC investigate rates charged to Denver area residents by the utility.

"The PSCo is wrongfully spending funds causing its rates and charges to be excessive, unjust and unreasonable," the protest stated.

"These expenses include membership fees in the Denver Country Club, Cherry Hills Country Club, Hiwan Country Club, Boulder Country Club and Denver Athletic Club . . .

"These memberships for the most part, are in organizations which prohibit membership to minority persons, and, therefore, are not in the best interest of all citizens served by this utility."

Armstrong also cited PSCo extravagance in advertising and promotion fields.

[From the Industrial News Review, Feb. 17, 1969]

THE SCENT OF BONDRAGE

A unique advertisement under the name of an investor-owned power company (Public Service Company of Colorado) has appeared in *Western Farm Life*. It contains no word about electric energy, nor does it discuss rates, taxes, or the invasion of private business by government competition or bureaucratic regulation. It talks about wild horses, and it is entitled "The Free Breed." However, only the extremely myopic will miss the point.

Speaking of the wild horse, it says, "There still lives a breed unvanquished and untempted by the relief of surrender. Efforts to tame it have only made it more wary and wise to the ways of oppressors. The scent of their bondage has only made the smell of freedom sweeter to its nostrils. Again and again it has tossed off their frayed fetters with a proud snort of contempt, and it has eluded their dogged pursuit like a mocking phantom. The free breed survives on the instincts created and strengthened by the relentless threat of subjection. Only when the memory of that threat fades does the smell of freedom seem stale. Hopefully, one day that memory will be strong enough that it needn't be revived by danger."

The people of the United States have lived in freedom and security for so long that they have become amenable to strictures and controls that would have been unacceptable a few years ago. Like the wild horse, we have been a free breed, but if the time comes when we can no longer distinguish between the scent of bondage and the smell of freedom, we may find ourselves wearing a halter with a lead rope fast in the iron grip of government. Many of the controls that are proposed today in the name of such things as electric power reliability, economic security, safety and law and order, have the smell of danger to those who value freedom.

THE BUSINESS AND PROFESSIONAL WOMEN'S CLUB OF HOUSTON, INC., SALUTES THE APOLLO 11 CREW AND THE ENTIRE NASA TEAM

Mr. YARBOROUGH, Mr. President, the three-man crew of Apollo 11—Neil Armstrong, Edwin "Buzz" Aldrin, and Michael Collins—have received many tributes since their successful voyage to the moon. They have been honored at many celebrations, not only in this Nation, but in other nations, as well.

The many accolades they have received are certainly well deserved. With all the publicity given official parades before hundreds of thousands of people and given to appearances with many official dignitaries, it could be easy to overlook some of the tributes that have come from different citizens and citizen groups of this Nation.

In Houston, the home of the Manned Spacecraft Center, the Business and Professional Women's Club of Houston, Inc., has adopted a resolution expressing the club's appreciation and thanks to the men of Apollo 11 and to all the people of the NASA team which participated in the program which took man to a safe landing on the moon and a safe return to earth.

We should commend fine women like Miss Chattie Slayton, president of the Business and Professional Women's Club of Houston, Inc. Her interest and support along with the interest and support

of the members of her organization like the support of all citizens are essential to a national program of the magnitude of the space program.

Mr. President, I ask unanimous consent that the resolution of the Business and Professional Women's Club of Houston, Inc., and the names and titles of all the women who signed it be printed in the RECORD.

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

RESOLUTION

Whereas, the successful landing on the moon by Apollo 11 has opened new space horizons almost beyond the imagination and ushered in a new era in man's continuous progress forward; and,

Whereas, this magnificent achievement has developed a new feeling of understanding and brotherhood among the peoples of the world, thereby creating a greater sense and comprehension of unity and peaceful relations;

Now, therefore, in tribute to the Apollo 11 crewmen and the untold thousands of persons on the team of the National Aeronautic and Space Administration participating in the program which culminated in the successful moon landing, to the fulfillment of President John F. Kennedy's dream of a new age in science and exploration, and to our late United States Congressman Albert Thomas, who guided the establishment of the Manned Spacecraft Center in Houston; Be it resolved that the business and Professional Women's Club of Houston do officially and publicly express its appreciation and thanks, and do cause an entry thereof to be made in its permanent official records.

Passed this 7th Day of August, A.D. Nineteen Hundred Sixty-Nine.

Business and Professional Women's Club of Houston, Inc.; Miss Chattie Slayton, President; Miss Pansy Root, President-Elect; Mrs. Krin C. Holzhauser, First Vice President; Mrs. Louella Breedlove, Second Vice President; Miss Frances Lea Tucker, Immediate Past President.

Miss Edna L. Root, Treasurer; Miss Alyce Leatherwood, Corresponding Secretary; Directors: Mrs. Lucille O. Miller, Miss Frances Rummell, Mrs. Dorothy M. McCord, Miss Bilye N. Russell; Mrs. Ethel M. Roberts, Assistant Treasurer; Mrs. Minnie Leigh Shields, Parliamentarian; Miss Virginia D. Cooper, Recording Secretary.

THE BROILER INDUSTRY IN GEORGIA

Mr. TALMADGE. Mr. President, I have pointed out with pride on numerous occasions the importance of the broiler industry to my State of Georgia. Georgia produces more broilers than does any other State in the Nation. The broiler industry is the source of more farm income in Georgia than is provided by any other agricultural commodity.

I am pleased to note that the broiler industry continues to make progress nationally. I noted with interest a recent study from the U.S. Department of Agriculture which lists the principal sources of cash receipts from farming in the 50 States. Broilers are the major source of cash receipts for farmers not only in my State of Georgia, but in four other States as well: Alabama, Delaware, Maine, and Maryland. Moreover, in two

other States, Arkansas and North Carolina, broilers constitute the second highest source of cash receipts from farming.

Mr. President, the progress made in recent years by the Nation's broiler industry has been little less than sensational. One fact will serve to dramatize the point. Broiler production and consumption in the United States are today more than seven times what they were at the end of World War II. I think this fact proves beyond a shadow of doubt that the American people like chicken.

The congressional Committees on Agriculture have begun work on extending the present general farm program. Hearings have been held in the other body, and the Senate Committee on Agriculture and Forestry, on which I have served for 13 years, will begin hearings in the not-too-distant future. We found out long ago that the same type of farm program will not work best for all agricultural commodities. Each commodity is best served by a program that fits its particular needs. As we take a hard look at how well or how poorly this or that program has served this or that commodity, I think we would be well advised to consider the fact that the modern broiler industry has made important progress without a Government program. I am by no means recommending such a course for any other commodity. I am merely proposing that we look into all systems fairly and objectively and study what makes them work—and how well they work—as we evolve farm legislation for the future.

THE TAX REFORM BILL, H.R. 13270

Mr. COOPER. Mr. President, my experience in the Senate has instilled in me a tremendous respect for the difficulties of legislating in this complex technological age in which we live. It is a respect shared, I am sure, by all Senators no matter how long or short their service in the Senate. No bill, no committee activity, no legislative activity is immune from the pressures of complexity, of the uncertainty of the ramifying impact that all legislation now has and yet, that, to the fullest extent possible, must be considered during the legislative process. Essential to achieving comprehensive consideration, which is a paramount responsibility to our constituents and to the public, is the flow of information of the highest quality to the Congress.

Consequently, as legislators, we must continually ask ourselves if the information reaching Congress is the most complete and balanced information that is available; we have a duty to determine if there are any barriers to the flow of such quality information, and if so, we must remove them.

The Federal income tax law has had the effect of regulating the flow of information, particularly information from non-profit organizations established under section 501(c)(3) of the code, which by its terms, prohibits such organizations from engaging in any "substantial" efforts to influence legislation. The real

effect of the provision has been to greatly restrict, and in some instances actually prevent organizations which possess important information from making it available to Congress in any meaningful or systematic manner. In addition, the Internal Revenue Code locks many organizations into this section 501(c)(3) status by granting a contribution deduction only to donors of such organizations. A full discussion of the operation and effect of these provisions of the Code is presented in an article in the Oregon Law Review that has been inserted in the CONGRESSIONAL RECORD of Thursday, September 4, on page 24540. I commend it for your attention.

I might point out that there do not appear to be any material revenue consequences from this provision, nor would there be if it were deleted. It is certainly not an issue of tax reform aimed at equalizing tax burdens and closing loopholes.

The tax reform bill, H.R. 13270, the subject of extensive hearings before the Committee on Finance, reaffirms this restriction on information flow and in some important areas expands on it. Such a restriction is counterproductive and serves no public purpose, for in the conduct of their duties as legislators, Senators and Representatives can act wisely only if all sides of the issue are aired before them.

On Friday, October 3, I offered an amendment to H.R. 13270, amendment No. 224, to remove the barriers to the flow of information to Congress that prevail in the present and proposed income tax laws. The general aim of the amendment is to change the definition of section 501(c)(3) organizations and the activities in which such organizations can engage. Also proposed is a corollary change in the limitations restricting the applicability of section 170(c)(2)(D) regarding charitable deductions. I ask unanimous consent that the text of these amendments be printed at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. COOPER. Mr. President, when considered in the context of other sections of the Internal Revenue Code and the bill, H.R. 13270, the restrictions on the conveyance of certain information I have mentioned are even more disturbing. Section 162(e) of the Internal Revenue Code establishes a clear tax stimulus for profitmaking organizations to influence any legislation that may affect their operations. It so stimulates by permitting an income tax deduction for any expenses incurred by these organizations to convey information to and influence Congress. This, of course, can only lead to the overrepresentation of some interests while others remain underrepresented.

It is useful here to consider a somewhat analogous situation in the courts which also must be sensitive to the institutional factors regarding representation and information flow that form an essential part of the judicial decisionmaking process. In recent years the complex-

ity of issues in litigation has prompted the courts to reconsider such things as standing to sue and parties of interest. In these important respects the courts are removing narrow definitional and procedural barriers and permitting broader participation in order to achieve justice among the complex forces that operate in our contemporary society.

The legislature is subject to much the same pressure and must similarly expand participation in the legislative process. I hope that Senators will consider these amendments in that light.

EXHIBIT 1

On page 85, after line 15, insert the following new section:

"DEFINITION OF SECTION 501(C)(3) ORGANIZATION

"SEC. 102. (a) IN GENERAL.—Section 501 (c) (relating to list of exempt organizations) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) Corporation, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, educational, or public or social welfare purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no part of the activities of which is participating in, or intervening in, any political campaign on behalf of any candidate for public office, or attempting to influence the general public or segments thereof with respect to legislative matters, elections, or referendums."

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1969."

On page 122, strike out lines 10 through 19, and insert:

"(b) DEFINITION OF CHARITABLE CONTRIBUTION.—Section 170(c)(2) (relating to definition of charitable contribution) is amended—

"(1) by striking out 'or educational' in subparagraph (B) and inserting in lieu thereof 'educational, or public or social welfare'; and

"(2) by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) no part of the activities of which is participating in, or intervening in, any political campaign on behalf of any candidate for public office, or attempting to influence the general public or segments thereof with respect to legislative matters, elections, or referendums."

On page 44, strike out lines 10 through 14, and renumber the succeeding paragraphs.

On page 44, beginning with line 25, strike out all through line 20, on page 46, and redesignate the succeeding subsections.

NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH TO THE SUPREME COURT

Mr. CANNON. Mr. President, during the past several weeks I have followed very closely the deliberations of the Committee on the Judiciary in attempting to assess the judicial and moral qualifications of Clement F. Haynsworth, Jr., to sit on the U.S. Supreme Court.

While the inquiry is still in process and all of the facts are not before us, there has been sufficient testimony and other data given to cast serious doubt on this nominee's sense of judicial propriety with respect to his business and financial interests.

I believe that the nominee's honesty is not in question, but the people of this country in recent years have come to expect a greater than average moral conscience in public servants in general and jurists in particular. Candidates for the highest court in the land should be noble and dedicated men of impeccable integrity.

Doubt has been cast upon whether Judge Haynsworth possesses these qualifications. He has participated on several occasions in court decisions affecting corporations in which he personally had direct or indirect financial interests.

Weakness in ethical conscience attacks the very foundations of judicial temperament and has a corrosive effect upon public confidence in the judicial system.

I bear, as a U.S. Senator, a part of the responsibility for considering carefully the qualifications of a nominee whose appointment is subject to the "advise and consent" of the Senate. Once a Justice is confirmed by the Senate, the action is virtually irreversible.

On the basis of information presented to the Senate during the hearings of the Judiciary Committee, as well as from other sources, I must conclude that Judge Haynsworth exercised poor judgment in not disqualifying himself from sitting on the bench when cases before the court presented a conflict of interest or an apparent conflict of interest for him.

Therefore, when the Haynsworth nomination comes before the Senate for confirmation, I will be morally impelled to vote against it.

SHORTENING THE SHADOWS

Mr. STEVENS. Mr. President, Alastair Down, deputy chairman of British Petroleum Co., Ltd., recently addressed the Alaska State Chamber of Commerce.

BP is one of the pioneers of oil exploration in northern Alaska. During the last 12 years BP has expended \$75 million on its Alaskan operations.

Mr. Down directed his comments to the coming decade of development in my State. He spoke of the need to shorten the shadows which may retard this development.

I commend his remarks to the Senate as an example of the desire and ability of a major petroleum company to aid in meeting the problems of a growing State.

I ask unanimous consent that Mr. Down's remarks be printed in the RECORD.

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

ADDRESS TO THE ALASKA STATE CHAMBER OF COMMERCE BY ALASTAIR F. DOWN

Gentlemen, I am most grateful for your warm welcome and your hospitality and am very conscious of the honour in being asked to take part in this important decision on Alaska's future.

All of you must have been involved at least as citizens of Alaska in the great excitement last month over the sale of new leases on the North Slope. You must have felt that every oilman in the world was flocking into your State. Indeed we have sometimes been likened to sheep and there may be some truth in this but it does not mean that oil companies are all the same.

Every oil company is different—in its history, its size and its world coverage. British Petroleum is unique in that it started off in the Middle East and has been developing outwards ever since. We are happy to be in Alaska and proud to be so closely associated with the discoveries and the development of the North Slope.

During this Convention you are discussing Alaska's second decade. BP has, of course, been working in Alaska during the whole of your first decade and we can claim to have been pioneers in the exploration of the northernmost part of the North Slope. We put in the first commercial drilling rig in 1963 and we pioneered the geological reconnaissance which led us to take up the important leases in Prudhoe Bay. We did take an interest in southern Alaska but our hunch has always been that the big prospects were on the Northern Slope and despite a number of disappointments we have maintained our faith in the area which has now been fully justified. Over the past 12 years we have spent some \$75-million on our Alaskan operations. A large part of this has, of course, been spent this year; but before the discovery well at Prudhoe we drilled more wells and spent more money than any other oil company on the North Slope. The money we have spent is large or small depending on how you look at it. I am sure that in terms of your first decade, it is fairly large but of course in terms of the next decade it is relatively small, as we face the huge task of developing Alaskan reserves, exploring in the new acreage and building what must be one of the world's biggest single investment projects—the 48 inch Trans Alaskan Pipeline.

Both the State of Alaska and The British Petroleum Company are clearly on the threshold of a new era of development and productivity, and for both of us the central factor in this new era will be the reserves of crude oil now known to be lying beneath the Alaskan Arctic plain.

Whatever priorities you set for the next decade I do not think I will be considered bold in saying that the development of your petroleum resources must be high on the list. I might even go so far as to say that your first priority is to ensure the right conditions—I nearly said climate but that might be asking too much—for the smooth and rapid development of the North Slope bearing in mind all the important environmental interests which must be protected.

An indication of the significance of the North Slope reserves was given in the recent lease sale when an all time record was set. And now after several months of secrecy concerning the drilling operations information is becoming available which enables us to evaluate more meaningfully the discoveries that have been made and the influence that these will have on the future position of Alaska in the U.S. oil industry.

Undoubtedly a lot of oil has been discovered at Prudhoe Bay. As you know BP announced only this week that DeGolyer and McNaughton estimated "an ultimate proved oil reserve, recoverable by primary methods, of at least 4.8 billion gross barrels", in BP's acreage at Prudhoe Bay. I think the chances are that the same firms earlier estimate of the total reserves of the Prudhoe field as some 10 billion barrels of recoverable oil is, therefore, a realistic one to take at the moment. The Prudhoe field is a major discovery in anybody's terms and represents a substantial addition to U.S. reserves.

It is among the ten largest fields ever discovered, and is the largest outside the Middle East and Venezuela. It is for example comparable in size to the Agha Jarl field in Iran and certainly larger than the East Texas field discovered in 1930. The prices paid for acreage on the North Slope in the recent land sales will ensure that rapid progress is made with further exploration to establish whether

or not other fields exist in the areas now opened for exploration.

Where will all this oil go? Much speculation has been evident in recent months on this subject and references have been made for example to the possibility of deliveries being made to Japan and even to Europe if a route through the arctic islands can be found. My own view, however, is that the natural home for this oil is the U.S. market.

Over the past decade the U.S. oil import controls, which restrict imports in the interests of National Security, have created a market for U.S. oils which has been largely insulated from the fluctuating supply and demand pattern in the international market. These controls have enabled the U.S. to maintain a position of near self-sufficiency in oil. But when combined with other factors such as, for geological reasons, the higher finding costs of oil, U.S. flag shipping costs, higher production costs, state prorationing of production, etc. the result has been to preserve stable but higher delivered crude oil prices relative to the outside world.

On the other hand natural gas wellhead prices are low in the U.S.A. and the weighted average price for crude oil and marketed natural gas is not very different from the rest of the world when distance from the market is taken into account. Nevertheless there is a significant premium for domestic crude oil sold in the U.S.A. compared with prices which would be obtained in direct competition with international crudes. For so long as this situation prevails it is clearly sound commercial sense to deliver North Slope oil to the U.S. market and the generally higher returns thus gained will be reflected not only in the oil companies' cash flow which is needed to maintain the rate of investment in the facilities to handle all the new oil but—more important to you—in the royalty and tax payments to the State. Providing, therefore, that Alaska and the Lower 48 are capable of absorbing total North Slope availability I do not believe that this oil will be exported.

What then is the likelihood of the U.S.A. absorbing total production from the North Slope? We foresee a continuing increasing demand in the U.S. for oil products for which, during most of the next decade, there is no real substitute in sight. Recently there has been a consensus among the experts that the prospects of adequate oil reserves being found in the U.S. to support this demand were diminishing. Eighteen months ago before the discovery of oil on the North Slope the history of the fifties was repeating itself, that is a possible domestic crude oil scarcity was foreseen. A closer look was again being taken at the prospects of producing synthetic oil from coal or shale and the possible need to relax the control over oil imports into the U.S.A.

The timely discovery of oil in Alaska has considerably changed the picture because it has added very significantly to the U.S.A. prospects for oil production. It means that for some time domestic production should be able to increase in line with demand although I do not at this stage foresee a situation where imports will be backed out.

The Prudhoe discovery is significant by any standard, but the U.S.A. consumes in one year a quantity of oil equivalent to half the indicated total reserves in the Prudhoe field, and demand is growing at such a rate that North Slope production will probably do no more than meet market growth for a few years. Not only will the U.S. market in my opinion be capable of absorbing total North Slope production, therefore, but in view of the fact that U.S. crude production outside Alaska is likely to level off or decline beyond the early 1970's, North Slope supplies will probably only succeed in deferring by 3 or 4 years the date by which either additional U.S. crude will need to be found or produced synthetically or increased imports considered. Such is the significance of this

discovery for the U.S. oil industry. For the State of Alaska the impact as we all know is much more drastic.

Until recently BP has been the only major international oil company without an established marketing operation in the U.S.A.—whereas U.S. companies are strongly entrenched in Britain and in Europe. Since the introduction of the U.S. oil import regulations we in BP have tended to regard ownership of substantial supplies of U.S. domestic oil as a prerequisite for our entering the U.S. market—and we lacked such supplies.

For BP the Prudhoe discovery is the key which has opened this door and as you know the BP Oil Corporation has acquired the Sinclair refining and marketing assets mainly on the U.S. east coast and has arranged to amalgamate with The Standard Oil Co. of Ohio. We intend that the Prudhoe field should be developed efficiently and rapidly in order to provide the basis for a new major competitor on the U.S. oil scene. You will see therefore that BP's and Alaska's hopes and interests are closely linked.

This development is now going ahead urgently involving development drilling, additional seismic work, the construction of local gathering systems and an Arctic Ocean supplies jetty. But considerable priority is for transport facilities for the existing large potential production.

As you know, a decision has been taken to build a pipeline right across the State to Valdez to enable us to ship crude oil all the year round to any part of the world but, of course, primarily to other parts of the U.S.A. I know you have recently had a detailed presentation on the pipeline. What is important to repeat today is the cost, which initially will be nearly \$900-million. In fact the BP/Sohio company alone is expecting to incur nearly \$500-million of expenditure in the next three years on its development work and its share in the pipeline. Ultimately it is envisaged that this pipeline will be expanded to carry up to 2 million bpd of crude oil at an additional capital cost of \$400/500-million.

This pipeline project will rank as one of the outstanding engineering feats of modern times, and to bring it to fruition we have gathered together some of the best qualified engineers available in the oil industry today. However, building a pipeline does not consist solely of engineering. We have to obtain right-of-way and construction and operating permits and this requires paying due regard to all the other interests that may be involved. Most of the land which this pipeline will cross is federally owned and subject to the "land freeze." Therefore, instead of negotiating with hundreds of different land owners, as would probably be the situation in the Lower 48, we have in this instance been concerned with obtaining virtually all of our permits from the Federal and State governments. TAPS has made formal application for right-of-way both in Juneau and Washington and has made presentations at formal public hearings. We have worked closely with officials both in the State and Federal governments in an effort to further our common desire to speed up the process of decision making. In all this activity we have been positively assisted by the Alaskan Chambers of Commerce and I can assure you, Gentlemen, that we value your support and encouragement. We must also thank the Federal Government and State authorities for their considerable cooperation.

All our plans for development of the field and for pipeline construction are being made with full regard to the need to preserve the natural environment of the area. We have become acutely conscious of the fundamental difference between the arid desert or dense jungle regions in which the bulk of our previous exploration activity has taken place,

and the delicate tundra vegetation which so precariously protects the subsoil of the arctic plain and supports the wild life which is so valuable to Alaska and to the rest of the world.

In this context I should like to emphasize the point which has been rather overlooked by some conservationists that preservation of the ecology of the area is in any case very much in our own interest since the continuing reliability of much of the necessary field and pipeline engineering work can only be ensured if the stability of the surrounding soil is left relatively undisturbed.

To this end we have undertaken all manner of studies and experiments designed to find out the best ways of achieving our objectives within the limits of conservation. We have tapped the best brains in the world on this subject, we have studied the animal and bird migratory habits in the region, we have asked for work to be done on possible use of hovercraft, we have curtailed all seismic work in the summer months. I ask you to accept our total sincerity on this score and to believe that everything that can possibly be done to preserve the natural beauty of your State is being done.

Beyond the Alaskan shores the industry is exploring many alternative means of getting North Slope oil to the market and currently BP is financially and physically concerned in the Manhattan arctic experiment which if successful will be the first step towards the establishment of a commercial route through the Northwest Passage to the U.S. east coast. If our dreams come true in this respect we shall be faced with the equally formidable problem of constructing a deep water oil terminal on the exposed north Alaskan coast and protecting it from the polar pack ice that descends into the area during winter. I am sure I need not emphasize the magnitude of such an undertaking and in the meantime there is no doubt that for the immediate future the way to get North Slope oil to the market is by the pipeline to Valdez.

We have foreseen that the volumes of crude oil available from the North Slope via the Trans Alaska Pipeline will exceed demand for this oil in the U.S. west coast market, and we are also therefore actively studying the feasibility of a trans-U.S. pipeline from Puget Sound to the huge midwest/Chicago market and possibly onwards to the east coast.

Thus the North Slope discovery should bring immense stimulus to the Alaskan economy. It should bring increased and unprecedented wealth to Alaska: from your individual point of view it must mean more business; from the State's point of view an economic activity within which to plan your progress; and for the Alaskan natives the prospect of permanent worthwhile employment within their own natural environment.

There will, of course, be problems. The sudden surge in activity in your State may create political, social or economic strains which will require a constant clear focus on your objectives to ensure that the right decisions are taken.

Your objective, as witnessed by the theme of this Convention, must be the steady progress of the Alaskan economy. The huge reserves of oil found on the North Slope offer a good foundation upon which to plan your progress. But the oil up there has no value, it only becomes wealth when work has been done to bring it to the market as quickly as possible. The oil companies are already putting every possible effort into their projects for this purpose and I believe that your objective will be achieved by your full cooperation with us in speeding the development of North Slope oil.

The oil companies have the organization and technical knowhow to do the job but they will need to commit themselves to an exceedingly high level of expenditure which

will involve generation of finance on an unprecedented scale. The nature of the industry and the project itself is such that large sums of money will have to be borrowed on an extremely long-term basis and we shall therefore need to convince the investors that circumstances exist, and will continue to exist, in which we are able to generate the funds necessary to service and repay our debts. The investors know that the producing end of the oil industry is at the best of times a risky business and in particular that the cost of producing and transporting oil in the Arctic environment is at this stage very much a question of informed guesswork. Furthermore, apart from the physical imponderables, we have to contend with the uncertain future of market prices, of U.S. import controls, of depletion allowances, expensing of intangible drilling costs, investment credits, increases in severance tax and a host of possible other changes in taxation. All these tend to cast shadows on our future ability to repay loans and therefore render more difficult and more costly the task of raising the necessary finance.

Much of the work we are doing at the moment is designed to shorten some of these shadows. As our knowledge grows we are able more accurately to forecast our costs in the field, on the pipeline and in the market and we are trying to see more clearly what will happen to market demand and prices in the next few years. Many of these uncertainties are far beyond our control and it is here, Gentlemen, that we look to your cooperation, guidance and support. It is vital that the oil companies and the business community in Alaska work together to ensure a stable and progressive economic climate both in Alaska and the U.S.A. as a whole in which to develop our future. We must do all we can to minimize the economic doubts that might threaten our financial capacity to carry out the development program and the confidence of investors in that program. At the same time we need your help in opening up the North Slope areas by the building of permanent roads and airstrips, of public amenities and other infrastructures which will promote the growth of industrial communities and in particular the native community in the area, provide attractive living conditions for those concerned or associated with the project, and—most important—job training opportunities. Time is of the essence of the project and that is why I say there should be priority for petroleum in your State.

Gentlemen, the part that will be played in the U.S. economy by the North Slope oilfields is a subject of mutual concern and interests; our individual future prosperity is inexorably linked with the careful economic development of this asset. I am sure we shall work admirably together to this end and I look forward to a long and mutually rewarding association with you.

AUTHORIZATION OF FUNDS FOR A "WORLD FREEDOM FIGHTER" AIRCRAFT

Mr. FULBRIGHT. Mr. President, the House Committee on Armed Services included an item of \$52 million in the military procurement authorization bill, passed by the House last Friday, to prepare for the production of a fighter aircraft that, in Pentagonese, has been dubbed the "World Freedom Fighter," a plane for which there is no U.S. defense requirement. The money, Representative ROBERT SIKES told the House last Friday is for the development of an inexpensive aircraft that we can furnish our allies around the world through sales and the military assistance program.

This is a proposal for back-door foreign aid and the subsidy to tool up for producing this plane should not be charged off to the defense budget but to the foreign aid program, if the taxpayers are forced to foot the bill at all.

Earlier this year the House committee added a \$14 million item to a supplemental authorization bill for this project, but the proposal was not adopted by the Senate Committee on Armed Services. Gen. Duward L. Crow, Director of Budget for the Air Force, told the House Committee on March 12:

The proposal was made to the Air Force, basically to improve the capability of the United States to compete more successfully in the world markets. The aircraft that we are discussing—the F-5—has been extremely successful in the past, but, in its present configuration, we feel its competitive position is slipping. The improved version should enhance the possibility of sales worldwide.

Representative SIKES echoed this argument during the House debate. He said:

By the development of a modern, high-performance aircraft, the United States will have the opportunity of reclaiming, or at least competing for, a substantial portion of the foreign military sales market which recently has decreased considerably.

The chairman of the House committee stated during the hearings that—

The re-tooling subsidy would hasten the modernization of the free world air forces, particularly those countries to which we have a heavy commitment, such as Korea, Vietnam, Thailand, Greece, and Turkey.

In addition, he said Spain and Nationalist China are "interested in this aircraft."

After the House passed the bill, I wrote to the distinguished chairman of the Committee on Armed Services (Mr. STENNIS), pointing out that this matter properly came under the jurisdiction of the Committee on Foreign Relations. I ask unanimous consent that the text of the letter be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, when Secretary of Defense Laird appeared before the Committee on Foreign Relations on the foreign aid bill, I questioned him about the proposal. He was very emphatic that the House committee acted on its own and not in response to an administration request. He said:

As far as the \$14.5 million, I want to make that very clear that this was not a request of the Department of Defense or the Air Force. This was not approved by the Bureau of the Budget or the Air Force. This request came from the Congress, and it was on the initiative of the House Armed Services Committee . . .

Yet, on September 24 Deputy Secretary of Defense David Packard, in a letter to the House Armed Services Committee, said that the Defense Department "would need between \$40 million to \$60 million" in development funds and \$4 million for procurement of long lead-time items this fiscal year in order to supply 325 "appropriate fighter" aircraft to "Korea, Taiwan, South Vietnam, and other countries over the next 5 or 6 years." Incidentally, this clearly indi-

cates that the Secretary is not contemplating getting out of Vietnam in the foreseeable future.

In minority views on the military procurement bill, seven members of the House committee stated:

The funds were added to this year's authorization bill on the strength of a limited conversation with the Deputy Secretary of Defense on the day of the bill markup to which the members of the Armed Services Committee were not privy . . . if the Department of Defense wanted this program, it could have been included in the fiscal year 1970 budget request in one of the numerous revisions made by the new Secretary of Defense.

It seems highly unusual that a decision that there was a need for these funds was made by the Defense Department on the very day of the committee's markup. I ask unanimous consent to have printed at this point in the RECORD the letter from Deputy Secretary Packard contained in the House report.

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

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C. September 24, 1969.
HON. L. MENDEL RIVERS,
Chairman, House Armed Services Committee,
House of Representatives, Washington,
D.C.

DEAR MR. CHAIRMAN: Following our discussion this morning, this will confirm our request that your committee consider making the necessary adjustments in its action on the military procurement authorization bill in order to permit the Department of Defense to proceed expeditiously with the development of a new free world fighter aircraft by the Air Force.

Over the past few months we have been studying the question of how we can provide an appropriate fighter for our free world allies, and in particular, South Vietnam. We believe we will need about 325 for Korea, Taiwan, South Vietnam, and other countries over the next 5 or 6 years. In order to do this we should begin development of a relatively simple and inexpensive fighter in fiscal year 1970. We have rechecked the figures and we believe we would need between \$40 million and \$60 million R.D.T. & E., depending on when appropriations are available to us, and \$4 million for long-leadtime items for fiscal year 1970. We believe this is an important program and we hope your committee will approve this program in connection with its action on the bill.

Sincerely,

DAVID PACKARD.

Mr. FULBRIGHT. Mr. President, this proposal to subsidize the manufacture of a fighter plane which we do not need for our Armed Forces but which would be suitable only for giving or selling to foreign countries, poor ones at that, would establish a far-reaching precedent for our foreign policy. The Committee on Foreign Relations has devoted much study over the past few years to the Government's arms sales and grant policies. It found much wanting with our policies and will, no doubt, make further changes this year in connection with its work on the foreign aid and military sales bills. The Congress should not give its stamp of approval to subsidizing arms aid to foreign countries through the Defense budget, as the House committee has proposed, without the most careful study by the committees responsible for

foreign policy matters—the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations.

Yet, in the hearings before the House Armed Services Committee earlier this year on this matter, Chairman MENDEL RIVERS said:

The other committee—

Meaning the House Committee on Foreign Affairs—

is not knowledgeable in this field, and incapable of discussing these things on the floor. This is the reason I think our committee should get more and more into the foreign military assistance. It is our jurisdiction.

I do not wish to become involved in the jurisdictional disputes of the House of Representatives, but I wish to make it clear that the Committee on Foreign Relations has primary jurisdiction over all matters involving the military aid and sales programs.

Since this proposed subsidy has not been submitted as an administration measure in keeping with standard procedure, the committee has not studied the matter. In view of this, I hope that the Senate conferees will refuse to accept the item. In the event funds for the project are included in the conference report, I will object to the Senate's consideration of the report until there has been a thorough study of the matter by the Committee on Foreign Relations, including testimony from officials of the Departments of Defense and State, and company officials.

I ask unanimous consent to have printed at this point in the RECORD the pertinent excerpts from the additional views of several members of the House Armed Services Committee and a news item from the New York Times of September 30.

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

FREEDOM FIGHTER

Delete \$38 million from freedom fighter program. This is merely another name for the program proposed by the majority of the members of the House Armed Services Committee earlier this year in the fiscal year 1969 supplemental authorization bill. In that bill, the committee authorized an unrequested \$14 million for a sole source contract to develop an improved F-5 aircraft then identified as the F-5-21. The Department of Defense was opposed to the program then, as was the Department of the Air Force. In fact, no one in Government appeared to be willing to come forward and support the proposal.

In theory, the development of an inexpensive, uncomplicated fighter-type aircraft for use by some of our less fortunate, free world allies is sound. However, this should be done in the routine manner and not as an afterthought.

The funds were added to this year's authorization bill on the strength of a limited conversation with the Deputy Secretary of Defense on the day of the bill markup to which the members of the Armed Services Committee were not privy. It is significant that the total added to the program—\$52 million—was equal to the amount deleted from C-5A procurement. We are not objecting to the inclusion of \$14 million once previously approved by the committee for R. & D., but do believe that the added \$38 million is ill-advised.

Surely this requirement has been known for some time and if the Department of Defense wanted this program, it could have been included in the fiscal year 1970 budget request in one of the numerous revisions made by the new Secretary of Defense.

FREEDOM FIGHTER AIRCRAFT

In committee I moved to strike \$36 million from a \$52 million item not in the committee print, the budget or in any formal Air Force communication for an alleged World Freedom Fighter Aircraft. The \$52 million surplus arose the day of our committee mark-up as a result of DOD determination not to go ahead with a 5th C-5A squadron. The funds were for long leadtime procurement.

It was stated at the time this item was voted on that the World Freedom Fighter plane was not necessarily the F-5-21 Freedom Fighter Aircraft of Northrop Aviation, but could be any airplane of any company. This has got to be the most bizarre \$52 million authorization to ever come out of a congressional committee.

If the United States needs a cheap jet airplane to sell only to foreign governments, let's ask the foreign governments to foot the bill. We've never paid Air Force money in the past to develop a new airplane the Air Force could not use!

Moreover, the project has escalated four-fold since it was last presented to this House.

If you will refer to the Record of March 27, last, at page 7895, you will see that the cost of the more definitive F-5-21 Freedom Fighter only cost \$14 million at that time to modify the F-5A's and F-5B's now selling like hotcakes worldwide. *Neither the Air Force nor the Department of Defense has ever asked for these development funds.* My chairman stated last March as follows:

"* * * You will notice in the report that the committee added \$14 million to the authorization bill for modifying the F-5 Freedom Fighters—aircraft into an improved version which will be called the F-5-21. By taking advantage of the several improvements that have been funded by Canada, Norway, and the Netherlands, at a cost of more than \$50 million, and by installing the increased thrust J85-21 engines, a significant increase in military effectiveness will be attained while retaining the desirable low-cost, high-utilization rates and excellent maneuverable qualities of the F-5 aircraft * * *

As Representative Arends stated on page 7897:

"* * * First, why should the United States invest \$14 million at this time in an aircraft not in the U.S. inventory? * * * By minor United States investment we can take advantage of these and other advances now available to modify the F-5 into an improved production version.

The September *Air Force Space Digest* describes the F-5 as follows:

F-5A, B FREEDOM FIGHTER

Lightweight supersonic all-purpose fighter, being furnished U.S. allies under military assistance program, including South Vietnamese AF, and more than a dozen others. Canadair is producing improved versions, 115 for RCAF and 105 for Royal Netherlands Air Force. None is operational in U.S. Air Force, except in training foreign pilots at Williams AFB, Ariz. F-5A is single-seater; F-5B accommodates 2-man crew for training or combat missions. It carries up to 6,200 pounds external stores—armament or fuel—and can take off or land from sod field. Freedom Fighter evolved from USAF T-38 Talon jet trainer. Contractor: Northrop Corp., Norair Div. Powerplant: 2 General Electric J85-13 turbojets, 4,080-pound thrust with afterburner. Later version, including Canada's CF-5, employs J85-15 engine with 4,300 pound thrust. Dimensions: span 26 feet, 5

inches, length 45 feet 11 inches, height 13 feet. Speed: 1,000 miles per hour. Ceiling: over 50,000 feet. Range: combat, 400 miles; ferry, 2,100 miles with external tanks. Armaments, 2 M39 20-millimeter cannon in nose. Can carry Sidewinder missiles or 2,000-pound bomb, or rockets in combination. Crew: F-5A, one; F-5B, two. Maximum gross takeoff weight: over 20,000 pounds. Primary using commands: U.S. allies.

I say there's no need for the United States to spend this \$52 million at all.

The Air Force is strangely silent on the airplane. Under date of June 6, I sent the following letter to Air Force Secretary Robert C. Seamans, Jr.

JUNE 6, 1969.

HON. ROBERT C. SEAMANS, JR.,
Secretary of the Air Force,
Department of the Air Force,
Washington, D.C.

DEAR MR. SECRETARY: There was presented before my House Armed Services Committee an amendment to the supplemental authorization bill to provide funds for the construction of F521 aircraft.

At your earliest convenience, I would appreciate having a complete analysis of this subject—past costs of F5 aircraft for foreign nations sales that have been made; original funding which was used; history of the proposed new funding; location where the aircraft will be constructed; proposed customers for the new aircraft; and position of the Department of the Air Force on this proposed contract and justification therefor. Your many courtesies are appreciated.

Very sincerely,

ROBERT L. LEGGETT,
Member of Congress.

To date, I am still waiting for a reply. As I understand the current state of the record, the Air Force has orally requested \$52 million for development of a World Freedom Fighter aircraft, which may or may not be the Northrop Freedom Fighter and moreover, the Air Force to this date has presented no written justification or the method whereby they will spend \$52 million of our American tax dollars.

ROBERT L. LEGGETT.

HOUSE GROUP SCORES FUND ALLOCATION FOR FIGHTER

(By Warren Weaver, Jr.)

WASHINGTON, Sept. 29.—A group of House members attacked as "ill-advised" today the last-minute provision of \$52-million for development of a fighter plane that had been consistently opposed by the Pentagon but was a favored project of Representative L. Mendel Rivers, Democrat of South Carolina.

In one of several critical postscripts to an Armed Services Committee report made public today, Representative Robert L. Leggett, Democrat of California, declared: "This has got to be the most bizarre \$52-million authorization to ever come out of a Congressional committee."

The money was added to the military authorization bill by the committee last Wednesday at the behest of Mr. Rivers, its chairman. There had been no previous request for money for the so-called "freedom fighter" from the Pentagon, but Mr. Rivers announced he had an oral expression of interest from the Defense Department that day.

In today's report, the chairman included a letter from Deputy Defense Secretary Davis Packard, dated last Wednesday, noting a discussion with Mr. Rivers earlier in the day and asking the committee to "consider making the necessary adjustments" to develop the new fighter aircraft.

In the same recasting of the military bill, the committee cut \$52-million from the authorization for the C-5A supertransport so that the money for the F-5-21 fighter plane did not increase the over-all spending figure under consideration by the committee.

The new fighter, to be built by the North-

rop Corporation, would not be used by the Air Force at all but would be supplied to what Mr. Packard called "our Free World Allies, and in particular South Vietnam." Representative Leggett found the whole project objectionable.

He wrote in his separate report: "If the United States needs a cheap jet airplane to sell only to foreign governments, let's ask the foreign governments to foot the bill. We've never paid Air Force money in the past to develop a new airplane the Air Force would not use."

The House members who submitted a joint statement opposing the F-5-21 were Mr. Leggett, and Representatives Lucien N. Nedzi, Democrat of Michigan; Otis G. Pike, Democrat of Suffolk County; Robert T. Stafford, Republican of Vermont, and Charles W. Whalen Jr., Republican of Ohio.

Some House members have privately attributed Mr. Rivers's sponsorship of the "freedom fighter," at a time when the Defense Department opposed the project, to a solicitude toward the Northrop Corporation, but others who have watched the Armed Services chairman for years doubt any special treatment is involved.

"You've got to give Rivers credit," one of his colleagues said. "This is not an example of preferential treatment for Northrop. He has this kind of a relationship with a lot of the big defense contractors."

The F-5-21 is only one of 10 or more controversial items in the military bill that will come under attack when the measure reaches the House floor on Wednesday, but its critics are not overly optimistic about making any changes in the provisions approved by Mr. Rivers' committee.

Their best opportunity appears to be a move to strike from the bill \$1-billion for additional Navy ships, over and above any Pentagon request, that was inserted by the committee last week.

An effort will also be made to drop \$345.5-million for deployment of the Safeguard anti-missile system. Debate on this issue took the Senate several weeks this summer, but the forces opposed to the ABM failed by a single vote to kill the program.

The military bill the Senate finally approved totaled \$20-billion. The version that the House will consider authorizes \$21.3-billion in expenditures, as a result of additions made by the House Armed Services Committee.

Generally, there are fewer Pentagon critics and more supporters of the Armed Services Committee in the House than there are in the Senate, and this week's House debate is not expected to take more than two or three days, compared with eight weeks in the Senate.

EXHIBIT 1

HON. JOHN STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I urge the Committee on Armed Services to delete two items from H.R. 7757, both of which come under the jurisdiction of the Committee on Foreign Relations.

As you know, the bill contains a \$14,000,000 authorization, the first increment of a total of \$62,000,000, proposed for retooling the Northrop Corporation's production facilities for F-5 fighter aircraft, to be sold or given to foreign countries under the military assistance and sales program. There is no United States military requirement for this aircraft and the item was not requested by the Department of Defense.

During recent years the Committee on Foreign Relations has given a great deal of study to the military aid and sales program, with particular attention to grants and sales of sophisticated weapons such as jet fighters to developing countries. Many corrective policy changes have been brought about as a

result of this study and the Committee will undoubtedly recommend further changes as a result of its work on foreign aid legislation this session.

The proposal to subsidize a manufacturer of aircraft, suitable only for use by foreign countries, is unprecedented and involves grave questions of foreign policy which should receive careful consideration by the Committee on Foreign Relations, which has jurisdiction over foreign aid matters. I hope your Committee will delete the proposed \$14,000,000 authorization so that our Committee can study in depth the many serious issues involved.

The second item, although seemingly a minor personnel matter, would be a first, and perhaps irrevocable, step in the transfer of funding for United States participation in international military headquarters (NATO, SEATO) from the military assistance program to the regular Department of Defense budget. The Department's regular budget for FY 1970 contains a \$31,250,000 request for international military headquarters, thus removing it from the foreign aid program. In 1967 the Senate considered and rejected a similar Department of Defense proposal. If the issue is to be re-opened it should be considered by the Committee on Foreign Relations, which has basic jurisdiction. I urge the Committee to reject the requested personnel authority.

I will appreciate having this letter printed in the Committee's hearing record on H.R. 7757.

Sincerely yours,
J. W. FULBRIGHT,
Chairman.

PUBLIC DISCLOSURE BY SENATOR
AND MRS. CHARLES McC.
MATHIAS, JR.

Mr. MATHIAS. Mr. President, Mrs. Mathias and I believe that one way to renew confidence in the institutions of Government is to share with the public all information that may throw light upon the interest or disinterest of those who participate in making public decisions.

Therefore, last April, in addition to filing the confidential financial reports required under the Senate rules, we voluntarily made available to the press and the public a listing of our assets, our creditors, our net worth, and our income in 1968 over and above congressional pay and allowances. Periodic changes will be reflected in each annual report.

This is the practice which Mrs. Mathias and I followed last year, when I was a Member of the other body and a candidate for the Senate. It is the type of full, public disclosure, not now required by law, which I believe every elected Federal official and candidate should make.

I ask unanimous consent to have printed in the RECORD our statement of financial disclosure for 1968 and a letter of April 22, 1969, transmitting this report to the chairman of the Select Committee on Standards and Conduct.

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

APRIL 22, 1969.

HON. JOHN STENNIS,
Chairman, Select Committee on Standards
and Conduct, U.S. Senate, Washington,
D.C.

DEAR MR. CHAIRMAN: Pursuant to Senate Rules XLII and XLIV, I have heretofore submitted the information required. In addi-

tion to that disclosure, Mrs. Mathias and I wish to follow the practice that we have established and to make a listing of our assets, our creditors and our income over and above Congressional pay and allowances. A copy of this voluntary report is enclosed for your information and additional copies will be submitted to the Congressional Record and to the press.

Very truly yours,
CHARLES McC. MATHIAS, JR.,
U.S. Senator.

DISCLOSURE OF FINANCIAL INTERESTS OF SENATOR AND MRS. CHARLES McC. MATHIAS, JR., APRIL 22, 1969

ASSETS

Equity in Federal Retirement System.
Life Insurance.
Livestock and Farm Machinery.
Real estate
House: RFD 2, Frederick, Maryland.
House: 3808 Leland Street, Chevy Chase, Maryland.
Half interest in 40-acre farm in Frederick County, Maryland.
Half interest in 306 Redwood Avenue, Frederick, Maryland.
Lease for 373-acre farm, expiring in 1973.

Stocks

Farmers and Mechanics National Bank.
Capitol Hill Associates.
Citizens Bank of Maryland.
Foote Mineral Company.
Frederick Medical Arts.
G. D. Searle & Company.
Glaxco Laboratories, Ltd.
Investors Loan Corporation.
Massachusetts Investors Growth.
The Detour Bank.
The Great Atlantic & Pacific Tea Company.
Warner-Lambert Pharmaceutical Company.
Maryland National Bank.

LIABILITIES

Debts due on mortgage, collateral and personal notes to: Farmers & Mechanics National Bank, Frederick, Maryland; Bank of Charles Town, Charles Town, West Virginia; and Walker & Dunlop, Washington, D.C.
Net worth computed to April 16, 1969, \$143,602.55.

Year 1968:

Investment income.....	\$1,330.62
Interest	52.52
Honorariums	1,550.00
Net rents.....	1,566.65
Legal fees.....	1,702.08

PRESENTATION OF AWARD OF MERIT BY THE DEFENSE DEPARTMENT TO A DISTINGUISHED NEVADAN

Mr. CANNON. Mr. President, I ask unanimous consent to have printed in the RECORD an article about an outstanding Nevadan.

Mrs. Jessie Beck of Reno, Nev., was presented last October with the Award of Merit by the Department of Defense for her outstanding service in writing to literally hundreds of servicemen who are serving overseas. She receives a half dozen or so letters a day from marines at Con Thien and Army men at Cam Ranh Bay. Recently the men of the carrier *Hancock* made her an honorary member of their 164th and 165th Fighter Squadrons. Because of her dedication to making the lot of some of our lonely men overseas easier, I wish to give her special recognition by having the account of her activities made a matter of special record. The account

was published in the Wednesday, September 10, 1969, issue of the Reno Evening Gazette.

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

Mrs. JESSIE BECK

A lady gambler and great grandmother, who spends her off hours writing "her boys" in Vietnam, was back at her letter writing an hour after being named a Distinguished Nevadan Monday.

Mrs. Jessie Beck of Reno began her gambling career 30 years ago as one of the first women running a roulette table in Nevada. She now owns the keno game and other gambling concessions in one of Reno's largest casinos.

She started writing letters and sending packages to servicemen in Vietnam five years ago. The Award of Merit, the highest award the Defense Department can give a civilian, was given her last year.

"I write because I think those kids are pretty wonderful and I know some of them do not get much mail," Mrs. Beck explained. "Some of them are away from home for the first time and need help.

"Then I watch movie reels on tv, and my heart goes out to them," she said. "I would go over and fight by their side, but I'm afraid I would only get in the way.

"I don't like fighting. I don't like war. I only wish there was more I could do for them."

Mrs. Beck's first letters and packages went to a man who had worked for her in Reno. Her letters and the food, books, playing cards and kool aide she sent were passed from man to man in his company and beyond.

Soon letters with Vietnam postmarks started appearing in her mailbox with increasing regularity. There are now more than 500 names on her mailing list.

"I try to write to each man personally, but I got caught behind because of business and visitors last month and had to type sort of a newsletter." There was a personal post script on the bottom of each of those newsletters when they went out.

Mrs. Beck, white-haired but still very active, has two sons, five grandchildren and two great-grandchildren.

A native of Sweetwater, Texas, she came to Reno at the invitation of Harold Smith Sr. to run the roulette table at Harolds Club. A few months later, when several men who worked the craps table became ill, she became the first woman craps table boss in Nevada.

Mrs. Beck's late husband, Fred, ran the keno and poker games at Harolds on a concession basis. She took over the operation when he died in 1954.

She is still in the club almost every night, but has not actually run a game for several years.

Mrs. Beck, who does her letter writing from a special apartment she maintains on the top floor of the Arlington Towers apartment, was presented the Award of Merit last October in Reno by Sen. Alan Bible.

It was awarded to her by the Defense Department after literally hundreds of servicemen she had written to overseas deluged congressmen and senators in Washington with letters about her.

Mrs. Beck bears the same surname as another illustrious Nevadan, Miss Jessie Beck. A teacher for whom a Reno elementary school is named Miss Jessie Beck taught for 43 years in Nevada schools, retiring in June 1941. She died in January, 1961.

A half dozen or so letters a day reach Mrs. Beck from Marines at Con Thien, Army men at Cam Ranh Bay and the pilots of the Carrier Hancock who made her an honorary member of Fighter Squadrons 164 and 165.

Some of the letters she receives talk of Vietnam, but most she said, are filled with talk of wives and children and sweethearts.

She answers them by writing at nights and Sundays. Her letters, which she said are never too personal to be passed around are unabashed patriotism laced with humanitarianism.

"I write every day unless I get stuck at the office until after midnight. It would be all right, but I write long letters."

An hour after she was presented the Distinguished Nevadan Award by Gov. Paul Laxalt at the state capitol in Carson City, Mrs. Beck was back in her Reno apartment writing a letter.

Five of the men whom Mrs. Beck had written have died in Vietnam. "It takes a long time to get over it," she said.

Many of the men on her mailing list come to visit Mrs. Beck when they return to the United States.

"The only thing I enjoy more than writing to them is saying welcome home to them." Mrs. Beck, a well-known and respected business woman, never fails to see they are well taken care of in Reno.

With the exception of some help from her employees in wrapping packages at Christmas time, Mrs. Beck's campaign is a one-woman operation with all the expenses paid from her pocket.

All of the letters she has received from "her boys" are in a file near Mrs. Beck's desk.

"I wouldn't take a million dollars for those letters. I cry every time I read some of them, but when I get old, they are going to make me very happy."

THE VIETNAM PROTEST MARCH

Mr. COTTON. Mr. President, a nationwide march is being organized for October 15 as a demand that the President immediately withdraw our forces and stop the war in Vietnam.

It is a march against our country.

It cuts the ground from under our President, encourages our enemies, and reduces the chances for a negotiated peace.

It asks the President to abandon 500 Americans languishing in the prisons of North Vietnam.

It asks the President to abandon numberless thousands of non-Communist Asians to be tortured and slaughtered.

It asks the President to break the word of his predecessor and of this Government and to betray the 40,000 heroic Americans who have given their lives.

It is a step toward substituting mob psychology for the reasoned policies of a government elected by the people of this constitutional Republic.

The President is seeking an orderly withdrawal of our forces and an ultimate disengagement of this war.

During the 3 weeks that the North Vietnam Communists occupied the city of Hue, they murdered 2,000 old and young men and women and little children, and buried them in mass graves. When we reoccupied the city, American press representatives described the digging up and reburial of many of the victims. They reported that many had been beaten to death with clubs so they did not have a whole bone in their bodies, and some showed clear evidence of having been buried alive. Do those who march want the lives of a million more such victims on their conscience?

It may well be that under our present policy we shall eventually occupy a single port in South Vietnam under the guns of our Navy and the protection of our Air Force. There we could evacuate the innocent victims should South Vietnam

lose the war. There we would remain a thorn in the side of the Communists until they release to us American prisoners.

What must be in the minds of the fathers and mothers of our soldiers in the hands of the enemy when they hear this demand that we abruptly abandon them, I can only imagine.

I cannot imagine what is in the minds of Senators and Representatives who approve of this demonstration and will even allow their office facilities to be used in promoting and organizing the proposed October 15 march.

FREEZE ON CONSTRUCTION FUNDS FOR SMALL WATERSHED PROTECTION AND FLOOD PREVENTION PROGRAMS

Mr. HARRIS. Mr. President, I recognize the need for a concerted, bipartisan effort to curb the current inflationary spiral in this great country of ours. However, I am much concerned about the current freeze order on use of appropriated funds and cutbacks in Federal construction work. In a statement issued September 4, President Nixon announced a 75-percent reduction in Federal construction and strongly urged State and local governments to cut drastically their construction plans in order to release construction workers and equipment for badly needed housing projects. He further stated that if local response proves insufficient, he would need to restrict the commitments for construction that can be financed by Federal grants.

I am particularly concerned about cutting back on grants for resource development programs such as the small watershed protection and flood prevention programs. My concern is twofold.

First, these projects are locally directed and partially financed from local funds. Millions of dollars of State and local money have been committed with the expectation that the Federal share would be available when needed. Bonds have been issued. Interest is being paid. In many cases, State appropriated funds are lost if not obligated within a specified time. Sponsors have acquired hundreds of easements which will expire if construction work is suspended. A stop-and-go policy on these construction grants will make it increasingly more difficult, and in some cases impossible, to convince State legislatures that continued support is a wise investment.

In the private sector, many contractors have made large investments to continue construction of project measures currently underway or scheduled for early completion. In Oklahoma alone, almost \$12 million worth of construction work, involving about \$7 million of Federal funds and almost \$5 million of State and local funds, is ready to go. Suspension of this work will result in heavy losses to local contractors and put many workers on the unemployment roles. Cutting back construction programs of this nature will certainly prove to be false economy and also greatly erode public confidence in the resource development stance of the Federal Government.

Second, and equally important, these small upstream watershed programs

provide such an array of social and economic benefits that funding should be significantly increased—not reduced. For example, the first national water assessment shows \$1.7 billion flood and sediment damages occur each year throughout the country. Of this total, \$1 billion, or 59 percent, occurs in rural upstream areas. The January 1969 Annual Report of the President's Council of Economic Advisers points out that the greatest incidence of poverty in the Nation is in the rural areas—23 percent compared with 16 percent in central cities.

Not only do these projects provide direct employment in their installation but they also greatly stimulate the economy of the rural communities. Almost 20 percent of the projects in the great State of Oklahoma include structures for rural community water supply, and this percentage is increasing each year. An equal number include recreation facilities as a project purpose. Often these multiple-purpose measures are the one stimulant needed to put new life into presently dying rural communities.

My remarks here are in no way intended as criticism of efforts to curb the inflationary spiral which is plaguing our Nation's citizens. However, I do wish to emphasize that greater priority is needed for resource development programs because of their immediate and long-range social impact, not only in the local areas in which needed measures are installed but also throughout the Nation.

By improving the economy of rural areas, we can reverse the out-migration of unemployed or underemployed people and our rural youth to already overcrowded, poverty stricken urban areas. By providing and increasing job opportunities in rural areas, we also provide the means for improved housing for millions in esthetically pleasing environments away from the smog and congestion of central city areas.

I hope all Senators will join me in urging the President not to impose any cut-back in Federal grants particularly for the small watershed protection and flood prevention programs. I also urge each Senator to encourage the removal of the current restrictions imposed by the Bureau of the Budget on expenditures of appropriated funds and strongly support a substantial increase in subsequent appropriations for these programs consistent with the needs in upstream areas of our Nation.

STATEMENT BY JAMES M. HESTER, PRESIDENT, NEW YORK UNIVERSITY, ON THE TAX REFORM ACT OF 1969

Mr. GOODELL. Mr. President, the Committee on Finance has just concluded extensive and informative hearings on the important matter of tax reform.

I invite the attention of Senators to a statement submitted to the committee by James M. Hester, president of New York University, on certain aspects of the Tax Reform Act—H.R. 13270—affecting charitable contributions to higher education. A tremendous amount of interest and concern has been expressed on this subject by the members of the aca-

demic community. President Hester's remarks are an important and useful contribution to this dialog.

Also I take this occasion to congratulate Dr. Hester on his appointment as chairman of a task force on priorities in higher education recently announced by President Nixon. This task force of distinguished citizens, among them two other New Yorkers—Sebastian Martorana, vice chancellor for Two-Year Colleges, State University of New York, and Albert L. Nickerson, director, Mobil Oil Corp.—has been given the critically important charge of advising the President on higher educational priorities for the 1970's. I am sure that Senators join me in wishing them every success. We all look forward to having their recommendations on ways to provide innovative and constructive educational programs for the future.

Mr. President, I ask unanimous consent that the text of President Hester's statement to the Committee on Finance be printed in the RECORD.

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

STATEMENT ON THE TAX REFORM BILL FOR THE SENATE FINANCE COMMITTEE

(By James M. Hester, president, New York University)

I am grateful for the opportunity to present, for your consideration, the views of New York University on certain provisions of H.R. 13270, the tax reform bill, and I should also like to express my personal satisfaction with the thoughtful and comprehensive response of the Congress to the demands of the public for basic reforms in our system of taxation. I am confident that your deliberations will greatly advance the cause of equity in taxation.

The provisions of the tax reform bill with which New York University is principally concerned are those which would effect basic changes in the treatment of charitable contributions. Many of the provisions in this area are meaningful reforms, and we heartily endorse the elimination of those incentives which have encouraged charitable contributions solely as a means to increasing the donor's after-tax net worth. Yet we feel that in some respects the bill would reach too far, destroying those legitimate incentives which stimulate private support for our colleges and universities and thus severely jeopardizing this nation's capacity to meet the educational challenges of tomorrow.

GIFTS OF APPRECIATED PROPERTY—LTP AND ALLOCATION

Our primary concern is with the provisions which make the appreciation element of gifts in property a "tax preference" item for purposes of both the limitation of tax preferences and allocation of deductions. The House Ways and Means Committee recognized that permitting the donor to deduct the full fair market value of gifts to schools, hospitals and other publicly supported charities serves as a crucial stimulus to make substantial gifts, but by making appreciation a preference item most of the benefit of that stimulus will be lost. As you are well aware, most of the support for any private educational institution comes from a relatively small number of alumni and friends, and large gifts are typically made in the form of appreciated property. It is a doubtful proposition at best that reform would be served by deeming a contribution of appreciated property a preference akin to the receipt of tax-free interest, and to endanger the quality of higher education on this premise seems a rash course indeed.

There is a fundamental difference between making a gift of appreciated property and those other transactions which are considered tax preferences under the bill for purposes of LTP and allocation of deductions. Allowing a donor to deduct the full fair market value of his gift, upon meeting the restrictions set forth in the bill as to the type of property contributed, will encourage him to contribute by reducing the net cost of such gift to him, but it does not permit him to profit; his net worth will have been reduced. Tax-free interest and capital gains, on the other hand, represent untaxed income, while accelerated depreciation and farm losses are tax benefits arising out of profit-seeking activities which produce an increase in net worth through lessening of tax. In short, the donor of appreciated property is "preferred" only in the sense that the source of part of his deduction is attributable to untaxed appreciation, not untaxed income. Granted that it may be less painful for the owner of substantially appreciated securities to make a contribution than for one who makes an equivalent cash gift, each has acted charitably because each has reduced his net worth. The donor of appreciated property is preferred only in that he possessed such property and in that the law recognizes that its contribution, at less net cost to him than its full value, serves a desirable social purpose.

While there is considerable doubt, therefore, as to whether fairness requires that the appreciation element be included among the items of tax preference, there is none whatsoever about the immediate and drastic effect of such inclusion. While precise calculation of the cost to higher education is impossible, uncertainty about the net cost of major contributions, which would be dependent upon all items of income and deduction which bear upon the LTP and allocation formulas, would induce hesitancy in any case and outright refusals to give in many. It would surely create a climate in which expert income-and-deduction juggling would reduce the cost of contributions, and college and university fund-raisers could rarely advise prospective major donors as to the real cost of their gifts. Indeed, we have already observed a reluctance to consider major gifts pending the resolution of this problem.

Finally, it is not at all inconceivable that severe diminution of the private sector's incentive to support higher education through contribution's would be a first step to vast expansion of public assistance programs. Private institutions like New York University can maintain their activities only so long as they can sustain a constant flow of contributions. Lessening of private support would require increased public support or radical retrenchment of education services essential to our society. The decision that the public has to assume an obligation to provide substantial support for institutions heretofore privately sustained is not one that should be made by indirection, especially on the dubious premise that tax equity demands it.

GIFTS OF FUTURE INTERESTS IN APPRECIATED PROPERTY

In recent years New York University has benefitted from a significant number of gifts of future interests in property. By permitting donors to reserve income from contributed property for life, we are able to attract important gifts from persons of relatively modest means—gifts which such persons simply could not afford to make without the benefits of retained income and an income tax deduction for the present value of the remainder interest. The bill, in denying a deduction for the fair market value of a future interest in appreciated property unless the donor elects to include the appreciation in income, would effectively destroy all incentive to use this plan.

As to the portion of the appreciated prop-

erty which may be considered to fund the life income interest, the donor reaps an unwarranted benefit in avoiding tax on the appreciation. But the solution posed by the bill goes beyond correction of the abuse. What is necessary is not a blanket denial for all gifts of future interests in appreciated property, but rather a separation of the transaction into two elements, similar to the treatment afforded "bargain sales." Thus a portion of the donor's basis in the entire property should be allocated to the life-income interest, and he would be taxable on the appreciation attributable to that portion, but his fair market value deduction would be preserved as to the remainder interest.

PERCENTAGE LIMITATION ON GIFTS OF APPRECIATED PROPERTY

The House bill imposes a special limitation of 30 percent of a taxpayer's "contribution base" on the deduction for gifts of appreciated property, while the general limitation on gifts to churches, schools, hospitals and publicly supported charities is 50 percent. It is at least questionable whether gifts of cash and property which has not appreciated in value are entitled to such comparatively favorable treatment, but even assuming that they are, the 30 percent limitation should have reference to the appreciation, not to the entire value of the gift. Under the bill, a donor with a contribution base of \$10,000 who makes a contribution in property worth \$5,000 in which he has a basis of \$4,900 would be limited to a \$3,000 deduction, but were his basis \$5,000, he would be entitled to the full \$5,000 deduction. The inequity is obvious and should be remedied.

TAX ON FOUNDATION INVESTMENT INCOME

Under the House bill, private foundations, in addition to becoming vulnerable to a variety of penalties for overstepping their charitable bounds or indulging in certain proscribed investments, are liable for a 7½ percent tax on "net investment income." New York University depends heavily on foundation grants for support of many of its programs. We assume that this 7½ percent levy would have the effect of reducing the amounts of funds which we might expect to receive from these foundations. Furthermore, such a tax would seem to bear no relation to costs incurred in supervising the activities of foundations; in effect it would create an anomalous special class of partially tax-exempt organizations. Accordingly, we endorse the Treasury recommendation to reduce the suggested tax to two percent, an amount which bears a reasonable relation to the anticipated increased costs of governmental administration and supervision.

THE "CLAY-BROWN" PROVISIONS AND THE URBAN UNIVERSITY

In mounting an assault on the "Clay-Brown" situation in which the purchase of a business or other income-producing property by an exempt organization is financed out of future profits, H.R. 13270 permits debt-financed acquisitions to escape the unrelated business income tax where "all the use" of the acquired property is related to the performance of the acquiring organization's exempt purposes. It also exempts acquisitions of neighborhood land provided that it is contemplated that the land will be used within 10 years in furtherance of such exempt purposes, and if the intended future use requires that any structure on the land at the time of acquisition be demolished or removed.

Meeting one or the other of these exceptions may prove most difficult for the growing urban university. If New York University, for example, has an opportunity to purchase, at an attractive price through debt-financing, an apartment hotel for eventual use as a dormitory, it may not be possible, for financial or other reasons, to make an immediate complete conversion to dormitory

use, yet eventual use would not contemplate demolition. As a result, until conversion has been completed, a percentage of rentals derived from both students and hold-over tenants would be subject to tax.

Perhaps the most equitable solution to this problem would be to tax only revenues from persons whose occupancy is not in furtherance of the acquiring organization's exempt purposes. Or, in recognition of the fact that demolition provides unequivocal evidence of intent but is an inappropriate requirement, it could be deleted, permitting the exception to be satisfied if the building were completely converted to educational purposes within 10 years.

TAX REFORM ACT OF 1969—SUMMARY OF ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, today the Committee on Finance began its first day of executive sessions on H.R. 13270, the Tax Reform Act of 1969.

Our first decision was with respect to the proposed tax treatment of interest earned on State and municipal obligations. Because of the continuing rise in interest rates and because of the deterioration of the marketability of these bonds, the committee decided not to subject State and local bond interest to Federal income tax under either the minimum income tax or the allocation of deductions rule as provided in the House bill.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

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

[A press release from the Committee on Finance, U.S. Senate, Oct. 9, 1969]

STATE AND LOCAL BOND INTEREST AND TAX REFORM

Senator Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee had agreed that it would not subject State and local bond interest to federal income tax. This was the first decision reached by the Committee in their deliberation on the tax reform bill of 1969. The Committee also agreed to delete that provision in the House bill which would provide a subsidy for State and local governments which choose to issue their bonds on a taxable basis and pay competitive market rates of interest on them.

The Committee decided to retain the provision in the House tax reform bill which subjects interest earned on so-called arbitrage bonds to federal income tax. Arbitrage bonds are those which are sold by the State and local government, the proceeds of which are reinvested in higher yield federal or corporate securities. The Committee felt that these bonds serve no useful governmental purpose but were an unhealthy consequence of the record-high interest rates existing in the Country today.

Finally, the Committee added to the bill a provision which will require in the future that State and local bond interest be reported on the tax return for statistical purposes only.

The Chairman indicated that because of the gap in knowledge as to who the recipients of this interest are there had been considerable speculation that these bonds are purchased primarily for their tax avoidance potential. He stated that this attitude overlooked the more obvious point that the purchaser of State and local governmental bonds had already borne a tax in the form of a return for his investment.

[From the press release of the Committee on Finance, U.S. Senate, Oct. 9, 1969]

STATEMENT MADE BY HON. RUSSELL B. LONG, CHAIRMAN, COMMITTEE ON FINANCE, ANNOUNCING THE COMMITTEE DECISIONS WITH RESPECT TO THE TAX TREATMENT OF INTEREST PAID ON STATE AND LOCAL GOVERNMENT BONDS

The Finance Committee acted this morning to delete those provisions of the House tax reform bill which would indirectly tax the interest earned on State and local government bonds. Under this action the limit on tax preferences and the allocation of deduction provisions of the House-passed tax reform bill will not apply to this bond interest. The provision extending a Federal subsidy to State and local governments which choose to issue their bonds on a taxable basis were also deleted.

The Committee felt that if there was ever a time for ending the tax exemption on this interest income, 1969 is not the year to do it. Interest rates are at the highest level in over 100 years.

Because of this, taxable investment opportunities have attracted money away from the State and local government bond market. This in turn has caused interest rates on some State and local bonds in recent months to rise three times as swiftly than interest rates generally. On the other hand, provisions in many State Constitutions severely limit the interest that State or local governments may pay on their obligations. These factors have made it very difficult for States and municipalities to raise the funds they need to finance the improvements they desire for their citizens.

The tax bill has added to this difficulty by further reducing the net income a purchaser of these bonds might earn. This causes a widening of the gap between the net yield on taxable corporate and Federal securities on the one hand and tax-exempt State and local governmental securities on the other.

Good tax policy considerations and public policy considerations alike demand that the total tax structure—Federal, State and local, combined—be explored in determining the advisability of tax reform aimed at a Federal tax on State and local bond interest.

The Committee on Finance did explore these aspects.

During the hearing before the Finance Committee, a distinguished panel of Governors representing the National Governors' Conference was followed to the witness table by a distinguished panel of Mayors which, in turn, were followed by a distinguished panel of County officers. These dedicated officials presented irrefutable evidence of the impact the House tax reform bill has already had on their functions.

Their capital improvement programs cannot be initiated. Their bond issues have been authorized but the bonds cannot be sold. Bonds they have already issued are rapidly depreciating in value, causing considerable losses to their holders.

These witnesses reminded the Committee that the House tax reform bill would raise only \$80 million annually in revenues for the Federal Treasury through the tax on their bond interest. Then they carefully demonstrated that State and local taxes would have to go up by \$200 million a year to pay for it.

State and local tax structures generally are regressive—they fall more heavily on the poor than on the rich. Sales taxes, property taxes, gasoline taxes—these are the levies that would need to be hiked at State and local levels to pay the higher yields demanded by purchasers in anticipation of a Federal tax on their bond interest. These are the taxes that hit hardest at the poor.

Based on the testimony we received, the Committee on Finance concluded this morning that the provisions of the House bill tax-

ing State and local bond interest constituted a very inefficient tax reform and should not be enacted. The Committee is hopeful that the action it has taken on this subject will restore confidence to the tax-exempt bond market and enable State and local governments to get on with the important work of improving services and facilities for their own citizens.

ARBITRAGE BONDS

The Committee agreed to retain that provision in the House Tax Reform bill which would tax the interest earned on so-called "arbitrage bonds." However, the provision was modified to make it somewhat more objective.

Arbitrage bonds are bonds issued by a State or local government, the proceeds of which are reinvested in higher yield Federal or corporate securities.

The Committee felt that State and local governments should not use their tax exempt privilege for the purpose of gaining a higher return on other investments in this day of record-breaking interest rates.

The Committee action consists primarily of the addition to the bill of a definition of the type of bond to which the House bill referred but did not identify. It is made clear in this definition that bonds issued by a State and local government to provide funds for the financing of residential housing, sports facilities, airports, docks, wharves, mass commuting facilities and park facilities, air and water pollution control facilities, sewage or solid waste disposal facilities, or for facilities of the local furnishing of electric energy, gas or water would not be treated as arbitrage bonds, and the interest on bonds issued for these purposes would remain tax-exempt. These are the purposes for which an exception was provided when Congress acted last year to tax the interest earned on industrial development bonds.

REPORTING OF TAX-EXEMPT INTEREST

The Committee also agreed to a provision which in the future would require that individuals and corporations receiving tax-exempt State and local bond interest must report their bond interest on their tax returns for statistical purposes only.

This will provide information as to where, in the income classes, interest on these bonds is received. This will indicate whether there are individuals with large amounts of this income who are avoiding the payment of any Federal taxes.

Today this interest is not reported on tax returns for any purpose. No one knows who receives this interest at the present time and this gap in our knowledge has led to considerable speculation that these bonds are purchased primarily for their tax exemption.

The statistical knowledge gained by requiring that tax-exempt interest be identified on the tax return will permit a more national discussion of the question of whether these bonds are used primarily as a tax-avoidance device.

It is certainly true—although tax-purists are unwilling to concede it—that the purchaser of State and local bonds have already borne a tax, a tax in the form of a lower return on their money.

ANTIWAR DEMONSTRATIONS

Mr. THURMOND. Mr. President, a carefully orchestrated tide of voices is now rising throughout the country demanding what amounts to immediate withdrawal from Vietnam. I notice that these self-appointed spokesmen no longer even mention the need for reciprocal moves from Hanoi. They want the United States to withdraw now—whatever the consequences. They cast aspersions upon the Thieu government,

and they demand some kind of coalition that will admit to power the very subversive elements that the United States, South Vietnam, and our allies have been struggling against for many years.

Even though some eminent persons have lent their names to this protest movement, it is very disturbing to examine the makeup of the groups that are actually doing the work. Coordination of the activities is being done by the New Mobilization Committee To End the War in Vietnam. The Washington weekly, *Human Events*, has revealed that the steering committee of "New Mobe" includes such people as Arnold Johnson, the public relations director of the U.S. Communist Party; Irving Sarnoff, an identified Communist who took the 5th amendment before the House Committee on Un-American Activities rather than say whether or not he was a Red; Sylvia Kushner, a radical activist in her own right and for many years the wife of Sam Kushner, who has served on the Communist Party's National Committee and as Los Angeles editor of the *People's World*, the west coast Communist Party newspaper; and Otto Nathan, charged by the State Department in 1955 with having been a German Communist who has a "consistent and prolonged adherence to the Communist Party line on a variety of issues."

The steering committee also includes Dave Dellinger and Rennie Davis, two of the people now on trial in Chicago on grounds of violating the U.S. antiriot law during the 1968 Democratic convention. Fred Halstead, an avowed Trotskyite, is also included, along with Robert Greenblatt. *Human Events* says that Greenblatt's bias was revealed last year when he went to Paris bearing a letter of introduction from Tom Hayden to a North Vietnamese, a Colonel Lao. The letter from Hayden introduced Greenblatt as a trusted worker in the cause and ended with this thought for Colonel Lao: "Good fortune. Victory."

Mr. President, this New Mobilization Committee is working hand and glove with the Vietnam Moratorium Committee, and does not attempt to conceal its relationship. I am sorry to say that certain Members of this body are vigorously supporting the Vietnam Moratorium Committee. Perhaps they have not examined its relationship with the New Mobilization Committee. I hope they will do so and withdraw from this effort.

The New Mobilization Committee does not hesitate to propagandize openly for the Vietcong. It is viciously anti-American. Theodore White has quoted Sam Brown as saying the following:

We've recognized the true nature of the United States. We saw the United States attack Cuba, it attacked the Dominican Republic, it attacked South Vietnam. The Communists are now a fragmented force; the United States is now the great imperialist-aggressor nation in the world.

This is not a peace movement. These people do not direct any antiwar protests against North Vietnam. They attack only the leaders of the American people.

The mood of the country is outraged now at the conduct of the war, but I

warn that the country will be even more outraged if we surrender. The consequences will be so terrible for the people of South Vietnam, and the blow to American credibility will be so great that the balance of peace among the great powers may be irreparably dislodged.

Mr. President, we must not misjudge the temper of the Vietnam dissent. As reported recently in the *Washington Post*, a thorough study has been conducted of the supporters of the senior Senator from Minnesota (Mr. McCARTHY) in his bid last year for the Democratic nomination in New Hampshire. The opinions of the Senator on Vietnam are well known. It was a great surprise, then, when this study showed that his supporters backed a harder line against Hanoi by a 3 to 2 margin. In other words, for every two "doves" in his camp, there were three "hawks" who were disgusted that the policy of the Johnson administration declined to seek victory in Vietnam. Although the news media played up the young supporters who were eager to project a liberal and radical image, the bulk of the Senator's support came from those who were deeply disturbed over the artificial and unreasonable restrictions placed upon the military conduct of the war.

This study was conducted by the survey research center of the University of Michigan, one of the most prominent such institutes in the field. It must also be noted that it was a study of past and present attitude, rather than an attempt to predict how voters might react in a future election.

We are now in the midst of another campaign. There is no doubt that the proponents of this campaign against the Vietnam war are seeking to manipulate public opinion, and to influence the course of events with regard to the war. It would be disastrous if Hanoi—or our own leaders—misread the nature of the discontent of the American people. Just as the news media misread the nature of this discontent last year, there is today a calculated attempt to misread and misinterpret the situation.

Let there be no mistake. The American people will not accept surrender. They will not agree to discard the sacrifice of American blood for a hollow diplomatic agreement. This war must be ended, but it must be ended on honorable terms. We cannot exclude the possibility that it still may be necessary to seek military victory. The President cannot limit his options solely to the conference table. So far, the Paris negotiations have given little comfort to those who have expected a significant breakthrough.

On the contrary, the delaying tactics of the Paris conference give us reason to think that the Communists are waiting for the Americans to get tired and go home. The more they listen to the chorus of dissent, as controlled and manipulated by certain news media, the more they take heart and confidently wait for a unilateral pullout. The President was correct when he said that he would not allow himself to be influenced by protest demonstrations, but there must be more to it than that. The President must retain his options to lift the military re-

strictions that have mired us deeper and deeper in stalemate.

The unproductivity of the Paris conferences comes as no surprise when we study the general outlines of the war, and our gradual involvement in it. It is not true that the United States has escalated the level of the war. Our military action, such as it has been, has been a passive response to Communist initiatives. It is true that our response has been of a greater magnitude than the Communist initiatives. But in every case the disparity is the result of the unfavorable ratio necessary in a restricted action. It is well known that, for a relatively small investment, the Communists have tied up a considerable part of the U.S. defense effort. When the classic doctrines of military tactics and strategy are nullified by unreasonable and shortsighted restrictions, it is not surprising that the American effort ballooned to alarming and wasteful proportions. We cannot fight a war when the enemy is allowed to keep his sanctuaries and supply lines. We cannot fight when the enemy has a guarantee that his home territory is not subject to infiltration and devastation.

With this pattern established, Hanoi had very little difficulty in engaging the United States in wasteful actions which did little to advance the cause of South Vietnamese independence. Moreover, Hanoi waited until it had the backing of the Soviet Union before it began any major new initiative. The Soviets, by advancing or withholding support, had a fundamental control over Hanoi's actions, and, by the same token, over the United States' actions. Our foreign policy since World War II has been marked by a series of reactions to Communist expansion, with no contrary effort to reduce or weaken Communist-held areas. Our policy in Vietnam was no different. We were gradually led into deeper and deeper involvement because of our unwillingness to initiate actions to reduce Communist expansion. Vietnam has been coexistence with a vengeance.

This unfortunate understanding of the Vietnam conflict struck me recently when I came across an extremely interesting study of events in Vietnam made by the Institute of International Studies of the University of Plano, in Plano, Tex. The institute's study is basically a chronology of events. However, there is one significant difference between this chronology and any other that I have seen. This study recognizes the significance of international participation in the Vietnam situation. I have seen no other study, for example, that includes references to the diplomatic activity between Moscow and Hanoi, based upon sources in Soviet publications.

The institute's study itself draws no conclusions. It merely presents a chronology. Nevertheless, a broad pattern emerges when the Soviet involvement is recorded. Nothing becomes clearer than the fact that Soviet support and assistance is critical to the prolonging of this war. Significant agreements between Hanoi and Moscow preceded every step that North Vietnam took to escalate the war. The pattern of U.S. activity is one of reaction to the Soviet-North Vietnamese joint initiatives.

The chronological study breaks down into two periods. November 1960 is the great watershed of events. The chronology concludes with the formation of the Provisional Revolutionary Government in June 1969. The Communists regard this event as a termination to the struggle. The "provisional government" is a preparatory stage for a gradual takeover. The Communists are convinced that the "peacenik" movement in the United States will force American withdrawal.

It is significant that this provisional government was recognized less than 5 days later by the Soviet Union. It is also significant that the proclamation of this "shadow government" coincided with the opening of the International Congress of Communist and Workers' Parties in Moscow.

To anyone who has studied worldwide Communist theory, the establishment of the provisional government is a key event. In the Communist mind, the so-called provisional government is the legal government of South Vietnam, "the true representative of the people." The Thieu government is an usurper, a corrupt imperialist lackey in Communist terminology. The fact that the provisional government is self-appointed does not matter to the Communists. By definition it is the "real government," awaiting only the withdrawal of American aid from the Saigon government. It signifies that, in the Communist mind, the Vietcong's job of "liberation" is almost completed, and a civilian Communist takeover is only a matter of patience.

The period 1961-69, therefore, requires the closest study. Escalation of the war took place following that watershed date of November 1960. Previous to this date, the action both in North and South Vietnam consisted of limited local conflict. From the Geneva accords in 1954 until June 1957, when the French completed their withdrawal of the last French forces, the government of South Vietnam was faced with open guerrilla warfare.

The significance of November 1960 is this: In that month, Ho Chi Minh went to Moscow and obtained an agreement for a 5-year plan of open and massive support from the Soviet Union and some of her allies. On the basis of this long-range strategic plan, the Vietcong and the National Liberation Front were organized in the South, and a constant flow of equipment and troops began from the North.

Think of it: The November 1960 agreement was announced the following January—almost simultaneously with the beginning of the new administration in the United States—and less than 1 week later the Vietcong movement was proclaimed in the South.

With the establishment of the Vietcong in January 1961, the situation in the South gradually deteriorated. After the assassination of Diem in November 1963, the Vietcong began a massive offensive the following February. Meanwhile, the Soviets stepped up their level of aid to Hanoi and support that made such offensives possible. It is significant that U.S. ground forces did not pass the 50,000 mark until June 7, 1969—5 months after

the Soviets openly declared that they would aid and support Hanoi in the war effort.

Throughout 1966, the Soviets continued to force the United States to step up the level of defense for South Vietnam. A five-man Soviet mission led by CP Central Committee Secretary Shelepin visited Hanoi in January to arrange for increased Soviet military aid; by March Congress was approving an additional \$4.8 billion for the defense of the South. In August, the Soviets announced training of North Vietnamese fighter pilots in the Soviet Union, and in October a new aid agreement was signed.

Mr. President, I offer these as examples. The chronology begins with a synopsis which shows these events in greater detail. Anyone can examine the record for himself. The United States was invading no territory. It was attempting to defend the South against attacks by invasion and infiltration. The disparity between the Soviet level of assistance and the U.S. level of assistance was made possible only because of the mode of warfare adopted by the Johnson administration.

Let there be no doubt about it: The real force we are fighting in Vietnam is the Soviet Union. The war against South Vietnam could not go on without Soviet help and assistance. If North Vietnam does not withdraw from its aggressive policies, then the only way to stop the war is to take measures to interdict the outside assistance.

I support the President in his program of "Vietnamization" of the war. We should increase our support for the Thieu government's program of taking over the war. But we must also let North Vietnam know at the conference table that, if the aggression does not end, no U.S. policy will interfere with the necessary steps to close the sanctuaries and supply lines.

Mr. President, because of the extreme interest in this subject at this time, I ask unanimous consent that the chronology of the Vietnam conflict, prepared by the Institute of International Studies of the University of Plano, be printed in the RECORD.

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

SYNOPSIS

I. January 1954–November 1960. "Peace" Conferences and Limited Local Conflict.

A. May 1954–June 1957. French Withdrawal Period.

B. June 1957–November 1960. Growing Guerrilla Warfare.

II. November 1960–January 1969. Development of Open International Conflict.

A. November 1960–November 1, 1963. Diem Period.

B. November 1963–February 1965. Period of Expanded Subversion.

C. February 1965–June 1968. Period of Direct International Action.

D. June 1968 to Present. Period of Repetition of "Peace" Conferences, with expanded hostilities.

SIGNIFICANT ACTIVITIES LEADING TO INITIAL ATTACKS 1954

May 8–July 21: Geneva Conference on Indochina.—Participants: United Kingdom and the USSR (joint chairmanship), France, the United States, Communist China, Cam-

bodia, Laos, Vietnam and Vietminh regime. July 20-21 agreements: 1. Vietnam to be partitioned along 17th Parallel into North and South Vietnam; 2. Restrictions are imposed on foreign military bases and personnel and on shipment of armaments; 3. Countrywide election leading to the reunification of North and South to be held by July 20, 1956; 4. An International Control Commission (ICC) to be established.

The U.S. and Vietnam did not sign the agreements, but the U.S. made a declaration that 1. "it will refrain from the threat or the use of force"; 2. "would view any renewal of aggression with grave concern"; 3. "shall seek to achieve unity through elections."

July 20: Geneva Agreements on cessation of military activities in Vietnam go into force.

October 11: Communist Vietminh regime formally takes over control of Hanoi and North Vietnam.

1955

June-July: North Vietnam government delegation visits the USSR and Communist China and signs agreement on USSR and China's economic and technical aid to North Vietnam.

July 18: USSR-North Vietnam accord on aid without compensation in form of equipment, materials, and consumer goods, for a sum of 400 million rubles.

August 16: Last French High Commissioner in Vietnam departs.

October 23: National referendum deposes Bao Dal, former Emperor and since March 7, 1949, head of State of Vietnam. Ninety-eight per cent of the votes express preference for Premier Diem.

1957

June: French naval and air force mission withdrawn.

October 22: Bombing of U.S. MAAG and USIS installations in Saigon; U.S. personnel injured.

COMMUNIST ACTION

1958

March 12: USSR-North Vietnam protocol signed in Hanoi on mutual supplies of goods by USSR and North Vietnam for 1958, also agreement on trade and navigation.

1959

July 8: Communist guerrillas attack Vietnamese Military Base at Bien Hoa, killing and wounding several U.S. MAAG personnel.

1960

May 5: United States announces that at request of Government of South Vietnam, U.S. Military Assistance and Advisory Group will be increased by the end of the year from 327 to 685 members.

November 6-December 2: North Vietnam party and government delegation headed by Chairman of CC of Workers Party of Vietnam, President Ho Chi Minh, in USSR.

USSR INVOLVEMENT

1961

January 19: Announcement of signature in Moscow of USSR-North Vietnam agreement on economic and technical aid and on trade for 1961-1965.

January 29: Radio Hanoi praises establishment of "National Front for Liberation of South Vietnam (NFLSV)" founded December 1960. "Sacred historical task" of the NFLSV is "to overthrow the U.S.-Diem clique" and "to liberate the South."

May 11-13: U.S. Vice President Johnson in South Vietnam. Joint Communiqué on May 13 on additional U.S. military and economic aid.

COORDINATION WITH USSR

June 26-July 5: North Vietnam delegation headed by prime minister and member of Politburo of CC of Workers Party of Vietnam, Phan-van Dong, visits USSR.

July 4: Joint Soviet-Vietnam communiqué signed in Moscow.

September 1-4: Series of attacks by 1,000 Communist guerrillas in Kontum Province. 41 engagements in August.

September 18: Communist forces of 1,500 men attack and seize capital of Phuoc Thanh Province, 60 miles from Saigon.

October 18: State of emergency is proclaimed in South Vietnam by President Diem.

LEADING TO

November 16: Following recommendations in Taylor report, President Kennedy decides to bolster South Vietnam's military strength, but not to commit U.S. combat troops at this time.

USSR COOPERATION AND SIGNIFICANT EVENTS

1962

February 14: Signature in Hanoi of USSR-North Vietnam protocol on trade exchange in 1962, and on shipment to North Vietnam in 1962; on credits extended by USSR in agreement of 23 December 1960.

1963

November 1: Military coup against Diem regime. Diem and brother Ngo Dinh Nhu assassinated. Council of generals headed by Maj. Gen. Duong Van Minh declares that fight against Communists must be carried on to a successful conclusion.

December 7: Protocol on USSR-North Vietnam trade for 1964 signed in Moscow.

December 14: U.S. military spokesman in Saigon reports on stepped up guerrilla attacks on hamlets.

1964

February 4-6: Vietcong offensive in Tay Ninh province and Mekong Delta.

August 2: USS Maddox is attacked in international waters off coast of North Vietnam by North Vietnamese torpedo boats.

August 5: President Johnson's message to Congress. Joint resolution: "To promote the maintenance of international peace and security in Southeast Asia."

SOVIET INVOLVEMENT

1965

February 10: Joint declaration of USSR and North Vietnam reaffirming that USSR would extend to North Vietnam necessary aid and support. Both parties agreed to carry out regular consultations on the matter.

March 4: Declaration of A. Gromyko to U.S. Ambassador F. Kohler in connection with new attacks of U.S. Air Force on Territory of Vietnam on March 2.

May 25: Soviets announce construction of anti-aircraft missile sites underway around capital of North Vietnam.

June 7: U.S. military authorities disclosed that number of military (American) personnel in South Vietnam has passed 50,000 mark (Army 21,500; Marines 15,500; Air Force 9,500; Navy 3,500).

USSR FORCES U.S. AND ALLIED ACTION

1966

January 7-12: Five-man Soviet mission led by CP Central Committee Secretary Aleksandr N. Shelepin visits Hanoi and arranges for increased Soviet military aid to North Vietnam.

March 1: Congress approves additional \$4.8 billion for the Vietnam war.

March 1: President Johnson renews his offer of aid to North Vietnam; exhorts Hanoi to negotiate.

March 2: Secretary McNamara reveals that U.S. forces in South Vietnam reached total of 215,000 men, with 20,000 on their way.

July 5: Australian Prime Minister Harold Holt endorses U.S. policy in Asia, including bombing of North Vietnam.

USSR ACTIONS FORCE

August 28: The USSR announces training North Vietnamese fighter pilots at an unidentified Soviet airbase.

October 3: The Soviet Union announces new aid agreement with North Vietnam providing for both military and economic as-

sistance. Washington officials cite evidence that Russian advisers might at times be operating Hanoi's air defenses.

October 13: President Johnson rules out ending the bombing of North Vietnam without an indication that Hanoi will, in turn, de-escalate its military activities.

COMMUNIST

November 10: North Vietnam announces that the USSR, China, and other Communist countries have pledged increased aid, both military and economic.

AID AND ALLIANCE FORCES ACTION

1967

July 15: Vietcong stage massive mortar attack on US air base at Danang killing 13 Americans and wounding 150. Shelling destroys 11 planes and damages 10 more.

August 3: President Johnson announces raising of maximum limit of US personnel in South Vietnam to 525,000. South Korean officials tell AP that Seoul government has "agreed in principle" to send about 17,000 reservists to man supply lines in South Vietnam.

September 3: South Vietnam's presidential elections take place. Approximately 4.8 million voters participate . . . 81 per cent of registered voters. General Thieu wins presidency, receiving about 35 per cent of vote.

USSR FORCES ESCALATION

September 23: Soviet Union and North Vietnam sign an aid agreement, which provides for increased deliveries of military equipment (both air defense weapons and small arms), vehicles, petroleum, and other materials designed to bolster Hanoi's economy. Kossygin pledges to support North Vietnam "till total victory" but declares that "perspectives for a peaceful settlement of the Vietnamese question have been opened recently."

October 17: Australia announces that it will increase size of its Vietnam force from 6,300 to 8,000. New Zealand announces that it will send an additional 170 infantrymen to join the 370 already there.

SIGNIFICANT COMMUNIST ACTIVITIES WHILE U.S. WAS TRYING TO ESTABLISH A BASIS FOR A NEGOTIATED PEACE

1968

January 30-31: The Communists launch simultaneous attacks on major South Vietnamese cities, including Saigon (January 31) where they temporarily invade the grounds of the US Embassy.

February 6: Dang Quang Minh, Chief National Liberation Front representative in Moscow, states that the NLF aim in its latest attacks was to overthrow the Saigon government.

February 18: The Communists shell more than 30 bases and outposts across South Vietnam.

March 5: Communists shell US base at Camranh Bay for first time in war.

March 31: President Johnson . . . "no attacks on North Vietnam except in area north of the demilitarized zone where enemy build-up directly threatens allied positions." Bombing pause includes 90 percent of North's population, but complete bombing halt could come "if our restraint is matched by restraint in Hanoi."

April 18: The US proposes 10 more sites for diplomatic contacts with North Vietnam: Ceylon, Japan, Afghanistan, Pakistan, Nepal, Malaysia, Italy, Belgium, Finland, and Austria.

April 19: North Vietnam rejected the ten new sites proposed.

May 5: Vietcong shelled Saigon and a dozen other South Vietnamese cities and infiltrated small sniper and suicide squads into the capital. Communists had launched 119 mortar and rocket attacks throughout South Vietnam and ground attacks at 14 locations.

May 13: US and North Vietnamese delegations met in first formal session in French

Foreign Ministry's International Conference Center in Paris. North Vietnamese chief delegate, Xuan Thuy, repeated accusation that Vietnam war had resulted from US aggression and brought up Hanoi's four-point program, and described it as "the basis for a correct political settlement of the Vietnam problem."

Ambassador Harriman replied, stating the US's objective of preserving "the right of the South Vietnamese people to determine their own future without outside interference or coercion." He asserted: "Since March 31, we have sought a sign that our restraint has been matched by the Democratic Republic of Vietnam. We cannot conceal our concern that your Government has chosen to increase numbers of troops and supplies from the North to the South."

June 3: North Vietnamese Politburo Member, Le Duc Tho visits Moscow on route to Paris peace talks. Le Duc Tho arrived in Paris and accused the US of "jeopardizing the progress of the talks" by its refusal to "cease unconditionally the bombing and all other acts of war."

June 4: Forty Vietcong rockets struck Saigon in heaviest bombardment of capital during the war. US officials reportedly linked attacks to Paris talks.

July 4: Soviet Union announced signing of a new military and economic aid agreement with North Vietnam. No details or figures given. Department of State has estimated that Soviet aid to North Vietnam in 1967 totalled about \$700 million.

COMMUNIST ACTIVITIES CONTINUE

October 31: In a final meeting between Ambassador Bunker and President Thieu in Saigon an effort was made to get Saigon to agree to a halt in bombing and to expanded talks in Paris. There were sharp disagreements during meeting, which lasted some 7 hours, ending only 3 hours before Johnson announced bombing halt. The shelling of Saigon and Hue by Vietcong rockets, killing 34 persons during the night of October 31 Saigon time, when the meeting was held, reportedly increased domestic pressure on Thieu to reject terms for expanded Paris talks.

December 31: U.S. Department of Defense announced U.S. casualties in eight years of Vietnam War as 30,543 killed and 192,372 wounded (99,643 seriously wounded) and 1,243 missing in action. Close to 50 per cent of these totals were losses in 1968: 14,521 killed and 46,655 seriously wounded.

TERMINAL POINT

1969

January 25: First session of formal peace negotiations. No results.

June 5: Twentieth session of peace negotiations. Still no results.

June 5-17: International Congress of Communist and Workers' Parties held in Moscow.

June 8: Provisional Revolutionary Government of the Republic of South Vietnam established.

CONCLUSION

For the convenience of the reader, the main events leading to escalation of the war or "controlled responses" are lifted from the chronology and listed by date of event. President Nixon's statement that the USSR is furnishing 80 to 85 per cent of the supplies for Vietnam is verified by intelligence and Soviet statements and actions. Agreements and political decisions to meet the increased demands invariably were made in Moscow. The importance of the bombing halt to movement of supplies is shown by the following statement and verified in the chronology.

January 1969: Vietnam, the New Phase, World Marxists Review, By Ivan Shchedrov, *Vietnam Victory of 1968*.

February and May 1968, the biggest frontal offensive of the war compelled the United States in March to announce a bombing re-

striction, limiting the bombing of southern DRV provinces, and in May the United States made contacts with North Vietnam and the Paris talks began.

In October 1968 the White House announced a total bombing halt as of November 1.

The Socialist States and world democratic opinion see these as an important victory for Vietnam.

The opening blasts of the United States bombing of North Vietnam date to August 5, 1964, when United States aircraft made their first massive strike; regular bombing was resumed in February 7, 1965 and continued without interruption until November 1, 1968. Washington hoped that the differences between the socialist countries (USSR and China) coupled with Vietnam's remoteness from the Soviet Union would hamper timely and effective help. North Vietnamese leaders emphasize that it was the Soviet Union that helped most in creating the modern defense system and training of Vietnamese in the use of sophisticated weapons.

CHRONOLOGY OF VIETNAM CONFLICT

1954

May 8-July 21: *Geneva Conference on Indochina*. Participants: United Kingdom and the USSR (joint chairmanship), France, the United States, Communist China, Cambodia, Laos, Vietnam and Vietminh regime. July 20-21 agreements: 1. Vietnam to be partitioned along 17th Parallel into North and South Vietnam; 2. Restrictions are imposed on foreign military bases and personnel and on shipment of armaments; 3. Country-wide election leading to the reunification of North and South to be held by July 20, 1956; 4. An International Control Commission (ICC) to be established.

The U.S. and Vietnam did not sign the agreements, but the U.S. made a declaration that 1. "it will refrain from the threat or the use of force"; 2. "would view any renewal of aggression with grave concern"; 3. "shall seek to achieve unity through elections".

* May 7: Units of the Communist Peoples' Army occupy Dien Bien Phu area.

* June 22: North Vietnam Communist government announces new "national policy" in Hanoi.

July 7: Head of State and former Emperor Bao Dai appoints Ngo Dinh Diem Prime Minister of Vietnam.

* July 20: Geneva Agreements on cessation of military activities in Vietnam go into force.

August: Flood of refugees from North to South starts (about 1,000,000).

October 11: Communist Vietminh regime formally takes over control of Hanoi and North Vietnam.

October 24: President Eisenhower commits American assistance to be channeled directly to South Vietnamese Government (not through French authorities as before).

1955

January 1: United States promises direct assistance for the support of Vietnamese Armed Forces.

February 5: Announcement of Premier Diem's extensive land reform program.

February 12: The U.S. Military Assistance Advisory Group (MAAG) takes over training of South Vietnamese Army.

February 19: Southeast Asia Collective Defense Treaty (SEATO) goes into force.

March 7: U.S. and South Vietnam sign agreement which supplements existing economic cooperation agreement of September 1951.

March 29: Armed revolt in Saigon by Binh Zuyen political bandit group.

April 17: South Vietnamese Government

* Communist sources.

appeals to U.N. against North Vietnamese Communists, who, in violation of Geneva Agreements, prevent northerners from migrating to South Vietnam.

May 10: Premier Diem forms new Cabinet. May 16: U.S. signs agreements with Cambodia for direct military aid.

* June-July: North Vietnam government delegation visits the USSR and Communist China and signs agreement on USSR and China's economic and technical aid to North Vietnam.

July: Communists initiate first overt propaganda move in South Vietnam by distributing literature signed by "National United Front."

July 1: France relinquishes command over Vietnamese Navy.

July 7: French transfer Nha Prang Airbase to Vietnamese control.

* July 18: USSR-North Vietnam accord on aid without compensation in form of equipment, materials, and consumer goods, for a sum of 400 million rubles.

July 20: Government of South Vietnam rejects North Vietnamese Government's invitation to discuss the elections, on the grounds that in North Vietnam the people would not be able to express their will freely and that falsified votes in North Vietnam could overrule the votes in South Vietnam.

* August 2: Direct North Vietnam and China railroad communications opened.

August 16: Last French High Commissioner in Vietnam departs.

October: Binh Zuyen is defeated as an organized armed insurgent force.

October 23: A national referendum deposes Bao Dai, former Emperor and since March 7, 1949, head of State of Vietnam. Ninety-eight per cent of the votes express preference for Premier Diem.

October 26: A republic is proclaimed by Ngo Dinh Diem, first President of South Vietnam.

December 12: U.S. Consulate in Hanoi is closed.

1956

January: South Vietnamese Army units occupy Tay Ninh, Cao Dai political center. Agreement of February 28 legalizes Cao Dai religious practices and forbids its political activities.

February 12: Tran Van Soai, leader of Hoa Hao faction, surrenders. Ba Cut, another Hoa Hao leader, captured April 13; breakup of Hoa Hao armed insurgency.

March 4: General elections for South Vietnam's first National Constituent Assembly (123 members), victory of political parties supporting President Diem.

* March 12: USSR Ambassador to North Vietnam, M. V. Zimyanin, presents credentials to Ho Chi Minh, President of North Vietnam.

* April 2-6: Visit to North Vietnam of first deputy Chairman of USSR Council of Ministers, A. I. Mikoyan, and Chairman of Presidium of Supreme Soviet of Uzbek SSR, Sh. R. Rashidov.

April 6: Vietnam Government announces it will continue to cooperate with the ICC and reiterates its position of supporting Vietnam-wide elections at such time as conditions in Communist North Vietnam permit free voting.

* May 5: Accord on mutual deliveries of goods between USSR and North Vietnam signed for 1956.

July 4: Constituent Assembly approves constitution providing strong executive. President, five years, veto power, may rule by decree when National Assembly (4 years) not in session.

July 6: U.S. Vice President Richard Nixon visits Vietnam, and declares, "the military march of communism has been halted."

July 30: Vietnamese liaison mission to ICC established.

September 19: French Air Force transfers Tourane Airbase to Vietnamese.

*October 16: Delegation of National Assembly of North Vietnam headed by Chairman of National Assembly of North Vietnam, Ton Diek-Thanh, visits USSR.

October 26: South Vietnam's first constitution promulgated.

1957

January 3: International Control Commission reports that neither North nor South fulfilling their obligations under 1954 armistice.

*February 15: USSR-North Vietnam cultural agreement signed in Hanoi.

*March 11: USSR-North Vietnam agreement on non-trade payments signed.

*March 30: USSR-North Vietnam mutual deliveries accord signed for 1957.

*April 27: North Vietnam Ambassador to USSR Nguen Van Kinh handed his credentials to deputy chairman of Presidium of USSR Supreme Council M. P. Tarasov.

May 5-19: President Diem visits United States. President Eisenhower and President Diem declare that both countries will work toward "peaceful unification."

*May 20-24: Chairman of Presidium of USSR Supreme Soviet K. Ye. Voroshilov visits North Vietnam.

June: French naval and air force mission withdrawn.

*July 13-17 and August 21-28: President of North Vietnam Ho Chi Minh visits USSR on route to Europe and back.

July 29: United States establishes consulate in Hue.

*October 18-26: Delegation of USSR Supreme Council headed by A. B. Aristov visits North Vietnam.

October 22: Bombing of U.S. MAAG and USIS installations in Saigon; U.S. personnel injured.

*November 1-22: President of North Vietnam Ho Chi Minh visits USSR.

*December 25: USSR-North Vietnam cultural collaboration agreement signed for 1958.

*December 26: USSR-North Vietnam agreement on establishment of telephone and telegraph communications and on postal and parcel exchange signed.

1958

January 4: Communist guerrilla band attacks plantation north of Saigon; steady increase in Communist armed activity since mid-1957.

*February 21: USSR Ambassador to North Vietnam, I. I. Sokolov, presents credentials to President Ho Chi Minh.

*February 26: USSR-North Vietnam agreements on mutual supplies of printed matter, records and editions of *Sovetskiy Soyuz* (Soviet Union), a periodical in North Vietnam in Vietnamese language in Hanoi.

*March 12: USSR-North Vietnam protocol signed in Hanoi on mutual supplies of goods by USSR and North Vietnam for 1958, also agreement on trade and navigation.

*May 17: North Vietnam liaison mission to ICC withdrawn from Saigon.

September 10: France and South Vietnam sign agreement of aid for Vietnam Government's agrarian reform program—1,490 million francs.

November 19: Cambodia signs trade and payments agreements with North Vietnam.

1959

*February 1: USSR-North Vietnam agreement on considerable expansion of exchange of industrial goods signed in Moscow.

*March 6: Plan for USSR-North Vietnam cultural and scientific collaboration for 1959 signed in Hanoi.

*March 7: Accord signed on the USSR economic and technical aid to North Vietnam for the construction of industrial projects for the implementation of "other measures" and on scientific and technical cooperation.

*Communist sources.

CXV—1854—Part 22

*March 27-April 1: North Vietnam Party and government delegation headed by Deputy Prime Minister and Minister of National Defense of North Vietnam, Vo Nguen Giap (en route to Hungarian People's Republic) visits USSR.

May 13: Japan signs W.W. II reparations and loan agreements with South Vietnam.

*June 5: USSR-North Vietnam consular convention signed in Hanoi.

July 2-August 1: President of North Vietnam, Ho Chi Minh visits USSR.

July 8: Communist guerrillas attack Vietnamese Military Base at Bien Hoa, killing and wounding several U.S. MAAG personnel.

July 10: In Belgian Communist publication, *Fed Flag*, Ho Chi Minh states "we are building socialism in Vietnam . . . we still have to bring to a close the middle-class democratic and anti-imperialistic revolution."

August 30: Second national elections give the National Revolutionary Movement and other pro-Government political parties overwhelming majority in National Assembly in South Vietnam.

October 30: A campaign against Communist guerrillas in country's southern-most region, the Camau Peninsula, resulted in heavy guerrilla losses.

November 14: France and Vietnam sign agreements for settlement of financial claims between the two countries . . . and for a French loan of 7 billion (old) francs (about \$14 million) and credit of 11 billion (old) francs (about \$22 million).

1960

April 17: North Vietnam protests to Chairman of 1954 Geneva Conference (Britain and USSR) against a "formidable" increase of personnel in the American Military Assistance and Advisory Group in South Vietnam; and accuses the U.S. of creating "a U.S. Military Base for the preparation of a new war."

May 5: United States announces that at request of Government of South Vietnam, U.S. Military Assistance and Advisory Group will be increased by the end of the year from 327 to 685 members.

June-October: Communist guerrilla activities in South Vietnam increase.

June 1-2: U.S. top level policy conference on Southeast Asia (in Hawaii).

*June 15: Announcement of USSR-North Vietnam accord signed in Moscow concerning further economic collaboration and expansion of perennial tropical cultures and their industrial processing. USSR to extend to North Vietnam a long range credit of 350,000 rubles.

July 20: Vietnamese National Assembly delegation leaves Saigon for 6-week visit to the United States.

*August 31-September 12: USSR party and government delegation headed by member of Presidium CC CPSU, Secretary of CC CPSU N. A. Mukhitdinov, in North Vietnam.

October 26: President Eisenhower assures President Ngo Dinh Diem in a letter of good wishes on South Vietnam's fifth anniversary that . . . "United States will continue to assist Vietnam in the difficult yet hopeful struggle ahead."

November 5: John F. Kennedy elected President of U.S.

*November 6-December 2: North Vietnam party and government delegation headed by Chairman of CC of Workers Party of Vietnam, President Ho Chi Minh, in USSR.

November 10: South Vietnam Government sends letter to ICC charging that Communist attacks in Kontum-Pleiku area in October (1) involved regular army forces from Communist North Vietnam through Laos, (2) constituted open aggression which was well prepared, commanded by high-ranking officers, and conducted by regular forces trained in North Vietnam, and (3) employed weapons made in North Vietnam and other Communist countries.

November 11: Military coup attempt

against President Diem's regime. Paratroop battalions led by Col. Nguyen Van Thi and Lt. Col. Vuong Van Dong besiege presidential palace. Thi declares that struggle against the communists will be intensified, that President Diem is guilty of autocratic rule and nepotism.

November 12: Loyalist troops enter, subdue rebels. Estimated 200 soldiers and civilians are killed.

November 13: U.S. State Department expresses satisfaction at failure of coup and hopes "rapid implementation of radical reforms."

November 16: Ngo Dinh Nhu, President Diem's brother, announces plans of far-reaching reform program based on reports of the Ford Foundation.

*December 15-25: North Vietnam government delegation headed by Chairman of Council of Ministers, Chairman of North Vietnam State Planning Commission, Nguyen Thuy Chin, in the USSR.

*December 23: Agreement on Soviet economic and technical aid to North Vietnam for fulfillment of first 5-year plan for 1961-65; agreement on mutual deliveries of goods for 1961-65; protocol on trade turnover for 1961 signed in Moscow.

1961

*January 2-18: North Vietnam delegation headed by deputy prime minister Ngyuen Thuy Chin visits Moscow.

*January 19: Announcement of signature in Moscow of USSR-North Vietnam agreement on economic and technical aid and on trade for 1961-1965.

January 29: Radio Hanoi praises establishment of "National Front for Liberation of South Vietnam (NFLSV)" founded December 1960. "Sacred historical task" of the NFLSV is "to overthrow the U.S.-Diem clique" and "to liberate the South."

*January 31: North Vietnam and Czechoslovakia agreement signed in Peking and extending to North Vietnam credits for 141,700,000 rubles over 7 years to cover industrial equipment and technical aid given by Czechoslovakia.

February 6: President Diem announces his administrative reform program.

February 7: President Diem announces he will be candidate for reelection; elections to be held on April 9.

*March 2-5: North Vietnam delegation headed by foreign minister, Ung Van Khiem visits USSR.

March 10: National Front for the Liberation of South Vietnam announces guerrilla offensive against Government April 9 elections.

April 3: U.S.-Vietnamese Treaty of Amity and Economic Relations signed in Saigon.

April 4: President Diem appeals to ICC for "immediate and energetic investigation" of growing Communist terrorism and subversion.

April 9: President Diem elected by overwhelming majority.

May 5: President Kennedy declares that consideration is being given to use of U.S. forces to help South Vietnam.

May 11-13: U.S. Vice President Johnson in South Vietnam. Joint communique on May 13 on additional U.S. military and economic aid.

June 4: President Kennedy and Premier Khrushchev, in Vienna.

June 12: Communist Chinese Premier Chou En-Lai and North Vietnamese Premier Phan Van-dong accuse U.S. of aggression and intervention in South Vietnam.

*June 26-July 5: North Vietnam delegation headed by prime minister and member of Politburo of CC of Workers Party of Vietnam, Phan Van-dong, visits USSR.

*July 4: Joint Soviet-Vietnam communique signed in Moscow.

August 2: President Kennedy declares U.S. will do all it can to save South Vietnam from Communism.

September 1-4: Series of attacks by 1,000 Communist guerrillas in Kontum Province. 41 engagements in August.

*September 9: Soviet note to British government protesting "dangerous developments" in South Vietnam.

September 17: British advisory mission leaves for South Vietnam.

September 18: Communist forces of 1,500 men attack and seize capital of Phuoc Thanh Province, 60 miles from Saigon.

October 1: Military experts of SEATO meet in Bangkok, Thailand. Adm. Harry D. Felt declares no immediate prospect of using U.S. troops, but plans call for use of American troops.

October 2: President Diem declares "It is no longer a guerrilla war."

October 11: President Kennedy announces sending Gen. Maxwell D. Taylor.

October 18: State of emergency is proclaimed in South Vietnam by President Diem.

November 16: Following recommendations in Taylor report, President Kennedy decides to bolster South Vietnam's military strength, but not to commit U.S. combat troops at this time.

December 8: U.S. State Department publishes "white paper" on "clear and present danger" of Communist conquest of South Vietnam.

December 14: U.S. President Kennedy pledges increased aid to South Vietnam.

*December 29: Protocol of third session of Soviet-Vietnam commission on scientific and technical collaboration signed in Moscow.

1962

*January 4: A joint U.S.-South Vietnamese communique defines "broad economic and social program" and "Measures to strengthen South Vietnam's defense in military field."

February 7: Two U.S. Army air support companies totaling 300 men arrive in Saigon bringing total of U.S. military personnel in South Vietnam to 4,000.

February 8: U.S. reorganizes its South Vietnam command, establishes U.S. Military Assistance Command, Vietnam under Gen. Paul D. Harkins.

*February 14: Signature in Hanoi of USSR-North Vietnam protocol on trade exchange in 1962, and on shipment to North Vietnam in agreement of 23 December 1960.

February 24: Communist China declares her security seriously threatened by war waged by the U.S.; . . . demands withdrawal of U.S. personnel and equipment from South Vietnam.

February 27: Two planes of North Vietnam Air Force bomb Presidential palace in Saigon. President Diem not injured.

*March 17: Tass reports: Soviet ministry note charges the U.S. with creating "a serious danger to peace" by its "inference" in South Vietnam in contravention of Geneva agreements.

March 22: "Operation Sunrise," a plan to eliminate Vietcong Guerrillas in South Vietnam begins.

April 20: National Assembly pledges support to President Diem's plan on "strategic hamlets."

*April 21: USSR-North Vietnam cultural and scientific collaboration plan for 1962 signed in Moscow.

*April 23: Plan for scientific collaboration for 1962 between USSR Academy of Sciences and State Committee of Sciences of North Vietnam signed in Moscow.

May 22: President Diem promulgates the protection of morality law, which prohibits all dancing and makes prostitution and "unnatural methods" of birth control illegal.

June 2: Canadian and Indian members of ICC find North Vietnam guilty of subversion

and covert aggression against South Vietnam. Polish delegation rejects charge.

June 26: South Vietnam's National Assembly votes to extend its term of office to August 1963; impossible to hold elections now.

July 6: U.S. Secretary of Defense Robert McNamara declares he is encouraged by increased effectiveness of U.S. aid to South Vietnam.

July 15: Protocol of fourth session of Soviet-Vietnam commission on USSR-North Vietnam scientific technical collaboration signed in Moscow.

*July 13-17 and July 25-26: North Vietnam foreign minister Ung Van Khyem visits USSR on route to Geneva and back.

*September 15: Accord on further development of USSR and North Vietnam economic cooperation signed in Moscow.

October 26: National Assembly extends by one year President Diem's emergency powers to rule by decree.

November 8: South Vietnam withdraws its Ambassador to Laos as a result of Laos' establishment of diplomatic relations with North Vietnam.

*November 4-20: USSR government delegation headed by Deputy Minister of USSR foreign trade, I. T. Grishin, visits North Vietnam to participate in opening of Soviet trade and industry exhibition in Hanoi.

*November 19: Protocol signed in Hanoi concerning trade exchange between USSR and North Vietnam in 1963. Both parties exchanged letters about Soviet shipments to North Vietnam in 1963 on credit according to the agreement of 23 December 1960.

December 6: South Vietnamese Government protests to ICC against introduction of Chinese-made weapons and ammunition; large cache discovered.

December 29: Saigon announces that 4,077 strategic hamlets have been completed of total of 11,182 to be built.

1963

January 9-11: Adm. Harry D. Felt confers with Gen. Paul D. Harkins and says, "I am confident the Vietnamese are going to win the war."

*January 10-20: Delegation of USSR Supreme Soviet headed by member of Commission for foreign affairs, Secretary of CC of CPSU Yu. V. Andropov, visited North Vietnam.

March-June: Pathet-Lao attack on Kong Le's forces.

March 6: U.S. military sources report that Vietnamese Navy has taken over patrol of South Vietnam's coast for U.S. Seventh Fleet.

April 8-10: SEATO Ministerial Council meeting in Paris (to discuss Communist threat to Southeast Asia).

April 10: SEATO Ministerial Council meeting in Paris calls on parties to Geneva Conference to keep Laos out of conflict.

April 14: Under Secretary Harriman says U.S. must not become involved in conflict in Laos.

April 17: President Diem proclaims an "open arms" campaign.

April 22: Secretary Rusk calls the situation in South Vietnam "difficult and dangerous."

May 8: Riot erupts in Hue; involves Buddhist celebration; 12 persons killed.

June 3: Buddhist demonstrations in Hue; martial law proclaimed.

June 7: President Diem appeals for calm and makes concession to Buddhists.

June 11: Buddhist monk commits suicide by burning himself to death.

June 15: Tentative agreement between Buddhist leaders and President Diem to end discrimination and meet Buddhist demands.

June 16: Government troops use tanks, tear gas to suppress riots in Saigon.

June 27: President Kennedy appoints Henry Cabot Lodge Ambassador effective September 1963.

July 11: Ambassador Nolting issues statement assuring support to Diem.

August 21: Martial law proclaimed throughout South Vietnam.

August 22: Foreign Minister Vu Van Mau resignation. Ambassador to U.S., Tran Van Chung resigns. Department of State issues statement deploring action against Buddhist pagodas.

August 26: U.S. Ambassador Lodge presents credentials.

August 29: French President de Gaulle issues policy statement on South Vietnam; says "this people must exercise its activity in independence from foreign influence or interference."

August 30: French Ambassador to U.S. Herve Alphand explains de Gaulle's statement as a long-range French solution which would reunify North and South Vietnam.

September 2: Times of Vietnam charges CIA had planned coup for August 28 to overthrow Diem. President Kennedy says, "In last two months the Government has gotten out of touch with the people."

September 5: President Diem declares that "the Government considers the (Buddhist) affair closed."

September 8: David Bell, Administrator of U.S. Agency for International Development, warns that U.S. Congress may cut back aid to South Vietnam unless Diem government changes policies.

September 9: President Kennedy states that he doesn't think helpful to reduce U.S. aid to South Vietnam; it might bring about collapse similar to that of Chiang Kai-shek government in China after W. W. II. Lodge confers with President Diem.

September 14: Presidential decree announces end of martial law September 16.

September 21: President Kennedy orders Secretary McNamara and Gen. Taylor to go to South Vietnam on September 24 to October 1.

September 27: 123-member National Assembly elected.

October 2: Secretary McNamara and Gen. Taylor report to President and National Security Council.

October 7: Mme Ngo Dinh Nhu, sister-in-law of President Diem, arrives in New York to begin a three-week visit.

October 8: U.N. General Assembly agrees to send fact-finding mission to South Vietnam.

*October: Speaking at General Assembly of U.N., Soviet Ambassador N. T. Fedorenko stressed USSR "Solidarity with Vietnam patriots in their struggle for independence and unification of country."

October 24: U.N. Mission on Buddhist situation arrives—Saigon.

October 27: Buddhist monk burns himself to death in Saigon . . . seventh such death since June 11.

November 1: Military coup against Diem regime. Diem and brother Ngo Dinh Nhu assassinated. Council of generals headed by Maj. Gen. Duong Van Minh declares that fight against Communists must be carried on to a successful conclusion.

November 2: Military leaders in South Vietnam set up provisional government headed by former Vice President Nguyen Ngoc Tho.

November 4: Premier Nguyen Ngoc Tho announces formation of mixed military-civilian Cabinet. U.S. recognizes new provisional government.

November 9: U.S. announces resumption of import aid to South Vietnam, suspended in August.

November 14: President Kennedy states his confidence in General Harkins.

November 15: U.S. military spokesman in Saigon reports that 1,000 U.S. servicemen will be withdrawn from South Vietnam, beginning December 3.

November 20: Secretary McNamara and Secretary Rusk confer in Honolulu with Lodge and Gen. Harkins.

November 22: President Kennedy assassi-

*Communist sources.

nated in Dallas. Successor Johnson affirms on November 24 that the U.S. intention to continue its military and economic support of South Vietnam's struggle against the Communist Vietcong.

*December 7: Protocol on USSR—North Vietnam trade for 1964 signed in Moscow.
December 14: U.S. military spokesman in Saigon reports on stepped up guerrilla attacks on hamlets.

December 19–20: U.S. Secretary McNamara and Director of CIA McCone in Saigon to evaluate new government's war efforts against Vietcong.

1964

January 2: Secretary Rusk announces Vietnamese Army group seized 300,000 rounds of small arms ammunition, mortars, recoilless ammunitions made in China.

January 6: Government decrees three-man military command over Vietnamese forces and government (consisting of Maj. Gen. Duong Van Minh, chief of state, Maj. Gen. Tran Van Don, and Maj. Gen. Le Van Kim).

January 27: U.S. Secretary McNamara states situation in South Vietnam "continues grave" but that "the survival of an independent government in South Vietnam is so important to the security of Southeast Asia that all measures must be taken to prevent Communist victory."

January 30: Military coup by Maj. Gen. Nguyen Khanh, ousts government of Maj. Gen. Duong Van Minh.

February 4–6: Vietcong offensive in Tay Ninh province and Mekong Delta.

February 7: Secretary Rusk reiterates that "If the agreements which have already been reached and which have been signed by those in the North would be fulfilled, there could be peace in Southeast Asia."

February 8: Maj. Gen. Khanh, announces formation of new Vietnamese government, himself as Premier, Maj. Gen. Duong Van Minh as nominal Chief of State.

March 7: General Khanh announces one-year reform program.

March 8–12: McNamara and Taylor in Saigon.

March 22: Vietnam Military Council gives unanimous vote of confidence to Premier Khanh.

March 23: Plan for Soviet-North Vietnam scientific and cultural collaboration signed.

April 13–15: SEATO Ministerial Council communique declares defeat of Vietcong is "essential" to the security of Southeast Asia.

April 25: General Westmoreland to replace Gen. Harkins.

May 2: Explosion in Saigon Harbor sinks U.S. aircraft transport ship.

May 12: Secretary Rusk asks NATO members to give greater support.

May 12–13: Secretary McNamara and Gen. Taylor make fifth on-the-spot review of South Vietnam.

May 22: Secretary Rusk stating choices says, "to expand the war can be the result if the Communists persist in their course of aggression."

*June 2: Announcement of signature in Moscow of plan for scientific collaboration for 1964 between USSR Academy of Sciences and North Vietnam State Committee of Sciences.

June 12: President de Gaulle calls for end to all foreign intervention.

June 23: President Johnson announces appointment of Gen. Taylor to be Ambassador and Alexis Johnson Deputy Ambassador to South Vietnam.

*July 11–13: North Vietnam delegation, headed by member of politburo of CC of Workers Party of Vietnam, deputy Chairman of the North Vietnam National Assembly,

* Communist sources.

Hoang van Hoan visited USSR on way to Cuba.

August 2: USS Maddox is attacked in international waters off coast of North Vietnam by North Vietnamese torpedo boats.

August 4: Destroyer C. Turner Joy and destroyer Maddox attacked by North Vietnamese PT boats.

August 4: President Johnson orders "air action" against "gunboats and certain support facilities in North Vietnam."

August 5: President Johnson's message to Congress. Joint resolution: "To promote the maintenance of international peace and security in Southeast Asia."

August 5: U.S. sends reinforcements to Tonkin Bay.

* August 5: Soviet representative to Security Council, P. D. Morozov criticized and termed "aggressive" the U.S. actions in Gulf of Tonkin.

* August 6: TASS declaration in connection with "aggressive action" of U.S. in Gulf of Tonkin.

August 7: Congress approves Southeast Asia resolution (Senate 88–2; House 416–0). General Khanh declares state of emergency.

* August 7: Soviet representative to Security Council, P. D. Morozov attacks U.S. presentation of military activities against North Vietnam shoreline as defensive measures.

August 11: President Johnson signs Southeast Asia resolution (Pub. Law 88–408).

August 16: General Khanh elected President by Military Revolutionary Council; ousts Duong Van Minh.

August 25: General Khanh promises liberalization of regime after repeated protests by Vietnamese.

August 27: New Vietnam Constitution is withdrawn; Revolutionary Council disbands; General Khanh, Duong Van Minh, and Tran Thien Khiem named provisional leaders.

August 29: Nguyen Xuan Oanh names acting premier to head caretaker government for two months. He states General Khanh suffered mental and physical breakdown.

September 3: General Khanh resumes premiership. Taylor sees him "rested and recovered"; he dissolves triumvirate and restores Duong Van Minh as chief of state.

September 13: Bloodless coup by Brig. Gen. Lam Van Phat against Khanh.

September 13: Forces loyal to Gen. Khanh regain control.

* September 14: New USSR Ambassador to North Vietnam, I. S. Shcherbakov, presents credentials to President Ho Chi Minh.

September 18: U.S. Defense Department reports U.S. destroyers in Tonkin Gulf fire on and presumably hit four or five hostile targets.

September 19: Vietnam Government makes sweeping changes in military command following abortive coup of September 13.

September 26: Vietnam High National Council formally inaugurated and charged with preparing new constitution.

October 20: Revolutionary Council presents new Vietnam constitution.

October 21: U.S. charges Cambodian troops crossed border.

October 26: Vietnam Revolutionary Council elects Phan Khac Sun chief of state.

November 1: Tran Van Huong named Premier.

* November 5–12: North Vietnam delegation, headed by member of Politburo of CC of Workers Party of Vietnam, deputy Chairman of North Vietnam National Assembly Hoang Van Han visited the USSR.

* November 9: North Vietnam party and government delegation headed by member of Politburo of CC of Workers Party of Vietnam, prime minister Pham Van Dong, visited A. N. Kosygin.

December 4: South Vietnam military leaders announce support of Premier Tran Van Huong.

December 20: Military stage purge; dis-

solve civilian High National Council (provisional legislature).

December 21: General Khanh supports power of military versus U.S. appeals; declares Vietnam forces would not fight "to carry out the policy of any foreign country."

December 24: Terrorist bombings in Saigon kills two Americans and wounds 52 Americans and 13 Vietnamese.

1965

* January 5: Publication of letter of USSR Foreign Minister A. Gromyko of 30 December 1964 to North Vietnam Foreign Minister Suan-Thuy affirming USSR support of "national liberation war" in South Vietnam.

January 8: South Korea sends 2,000 military advisors.

January 13: Defense Department confirms that two U.S. planes were shot down over Laos.

January 27: Premier Huong ousted. Gen. Khanh asked to solve political crisis.

January 28: Gen. Khanh nominates Nguyen Xuan Oanh acting Premier.

* February 1: Announcement of forthcoming visit of A. N. Kosygin to North Vietnam.

* February 6–10: Sojourn in Hanoi of USSR delegation headed by Kosygin.

February 6: Kosygin arrives in Hanoi.
* February 7: Publication of TASS declaration in connection with escalation of "aggressive action of U.S." in Indochina.

February 7: Communist guerrillas stage attack on U.S. outpost. U.S. planes strike targets in North Vietnam. U.S. dependents evacuated from South Vietnam.

* February 7–8: Formal negotiations in Hanoi between Kosygin and Ho Chi Minh.

February 8: South Vietnamese Air Force planes accompany U.S. air mission into North Vietnam. President Johnson indicates that further developments depend on Communist response. Indian Foreign Ministry requests a new Geneva Conference.

February 8: Kosygin announces Soviet willingness to aid North Vietnam if she is invaded.

* February 9: Protest of USSR government against "new serious provocations of U.S. armed forces in North Vietnam."

February 10: Vietcong blow up U.S. military billet at coastal city of Quinhon, killing 23 soldiers.

* February 10: Joint declaration of USSR and North Vietnam reaffirming that USSR would extend to North Vietnam necessary aid and support. Both parties agreed to carry out regular consultations on the matter.

February 11: Secretary General U Thant calls for international negotiations on Vietnam inside or outside the U.N.

February 15: Chinese Communists threaten to enter war if American troops enter North Vietnam.

February 16: South Vietnamese Armed Forces Council announces that Phan Huy Quat has been named new Premier.

February 18: South Vietnamese Army and Marine units stage bloodless coup in Saigon and oust Gen. Khanh.

February 19: Khanh regains temporary control of government.

February 20: Armed forces council demands resignation of Khanh.

February 21: Khanh bows to council demands for resignation.

February 24: Premier Phan Huy Quat announces South Vietnam's determination to end war with honor.

February 25: North Vietnamese officials state negotiations would be considered if American troops withdrawn.

February 27: State Department issues white paper detailing charges of aggression on part of North Vietnam.

February 28: U.S. and South Vietnamese officials declare that President Johnson has decided to open continuous limited air strikes against North in order to bring about negotiated settlement.

March 1: President Quat rules out peace until North Vietnamese stop their infiltration into South Vietnam.

March 4: Declaration of A. Gromyko to U.S. Ambassador F. Kohler in connection with new attacks of U.S. Air Force on territory of Vietnam on March 2.

March 6: Two U.S. Marine battalions sent for limited duty.

March 8: U Thant proposes U.S. and USSR, Great Britain, France, Communist China, and North and South Vietnam participate in preliminary conference.

March 9: U.S. rejects U Thant's offer until North stops its aggression.

March 12: Soviet Ambassador to UN, N. T. Fedorenko, transmitted to Chairman of UN Security Council Usher (Ivory Coast), Soviet declaration to U.S. government of March 4, 1965.

March 22: U.S. discloses that it has provided South Vietnamese army with certain types of nonlethal gases.

March 23: Russian Communist Party Secretary Brezhnev hints of Russian participation in the war.

March 24: Soviet Union initiates common action with UK demanding immediate cessation of US aggression against North Vietnam.

March 25: New exchange of letters between Soviet Foreign Minister Gromyko and North Vietnam foreign minister Suan Thuy on matter of repeated aggressive actions of U.S.

March 25: In public statement President Johnson held out to North the prospect of economic aid if peace is secured.

March 26: USSR Ambassador to U.S., A. F. Dobrynin meets in Washington with Secretary Rusk. During meeting the situation in Southeast Asia is discussed.

March 29: N. T. Fedorenko, Soviet Ambassador to UN, transmits to Chairman of UN Security Council A. Usher, a note of protest of USSR to U.S. dated 26 March 1965 in connection with use of poisonous gases by U.S. in South Vietnam.

March 29: Bomb explodes outside U.S. Embassy in Saigon, causing heavy damage and casualties.

April 1: Seventeen non-aligned nations meeting in Belgrade, Yugoslavia, appeal for immediate negotiations.

April 2: U.S. announces intention of sending several thousand more troops.

April 7: President Johnson in Johns Hopkins University speech stresses our willingness to negotiate, and suggests a billion aid program for Southeast Asia.

April 8: USSR proposes international conference to guarantee Cambodian neutrality.

April 8: Peiping announces that U.S. peace offer is a trick.

April 11: North Vietnam officials denounce Johnson's offer to negotiate.

April 12: Gordon Walker is unsuccessful in British attempts to meet with officials in Hanoi and Peiping over Southeast Asia.

April 14: U.S. urges Hanoi to consider plea of 17 non-aligned nations.

April 10-17: Important and large North Vietnam party and government delegation, headed by First Secretary of CC of Workers Party of Vietnam, Le Duan, visits USSR.

April 18: Joint Soviet-Vietnam communique published concerning visit to Moscow of North Vietnam party and government delegation headed by Le Duan.

April 21: Accord on USSR-North Vietnam cultural collaboration for 1965 signed in Hanoi.

May 4: President Johnson requests \$700 million supplemental appropriations.

May 5: House approves by 408-7.

May 5: SEATO condemns Communist aggression in Vietnam war.

May 6: Senate passes \$700 million by 88-3.

May 6: Two U.S. Marine Battalions sent

to Vietnam; first combat units to be deployed to South Vietnam.

May 12: Red Chinese Chief of Staff calls for preparation for atomic war. President Johnson declares that Peiping prevents Hanoi from agreeing to talks.

May 18: U.S. halts bombing missions on North Vietnam.

May 15: USSR Deputy Foreign Minister M. V. Zimyanin received Australian Ambassador J. R. Rowland and delivered to him a declaration of protest concerning intended Australian military participation in Vietnam war.

May 3-5 and May 15-18: North Vietnam delegation headed by Deputy Chairman of National Assembly of North Vietnam, Hoang Van Hoan, visits USSR.

May 19: U.S. resumes air attacks on North Vietnam.

May 25: Soviets announce construction of anti-aircraft missile sites underway around capital of North Vietnam.

June 1: President asks Congress to authorize \$89 million for expanded program of economic and social development in Southeast Asia.

June 4-10: North Vietnam delegation headed by member of Politburo of CC of Workers Party of North Vietnam, deputy prime minister Le Than Nguy, visits USSR to negotiate economic collaboration with USSR and other Warsaw Pact countries. Conference in Moscow with Kosygin on 8 June.

June 7: U.S. military authorities disclose that number of military (American) personnel in South Vietnam has passed 50,000 mark (Army 21,500; Marines 16,500; Air Force 9,500; Navy 3,500).

June 7: Senate adopts amendment adding \$89 million to foreign aid bill in accordance with President's request. (42-26)

June 8: State Department spokesman says U.S. military command authorized to send American troops into combat alongside Vietnamese if such "combat support" is requested.

June 9: White House issues statement that "There has been no change in the mission of U.S. ground combat units in Vietnam in recent days or weeks."

June 12: Spokesman announced that Premier Quat had decided to hand back reins of government to military following Chief of State Suu's refusal to approve proposed cabinet changes.

June 16: Secretary McNamara announces new troop movements to Vietnam; to over 70,000 total.

June 17: Four-nation British Commonwealth peace mission to find an end to Vietnam war.

June 24: New South Vietnamese Government under Brig. Gen. Nguyen Cao Ky announces measures including formal state of war, extension of Saigon's curfew, and price controls.

June 24: Soviet Premier Kosygin refuses to meet with Commonwealth peace mission.

June 25: Communist China rejects any visit by Commonwealth peace mission to Peiping.

June 25: President Johnson declares that "bilateral diplomacy" yielded "no results."

June 25: Prime Ministers of British Commonwealth outline objectives of their Vietnam peace mission.

June 28: U.S. troops participate in their first major attack of the war.

July 1: North Vietnam formally rejects request by Commonwealth for talks in Hanoi.

July 4: Rusk says U.S. had asked Hanoi "what would be stopped if we stopped the aerial bombing", but that "we've never had a reply."

July 8: White House announces that Ambassador Taylor has resigned and will be replaced by Henry Cabot Lodge.

July 10: President Johnson declares that

in Vietnam "we committed our power and honor."

July 10: Signing of agreements and related documents between USSR and North Vietnam governments following prolonged negotiations in Moscow.

July 12-18: U.S. begins large scale buildup of its forces in South Vietnam.

July 13: Publication of official agreements of July 10, 1965, extending Soviet Aid for additional strengthening of defense capacities of North Vietnam in view of increasing escalation of "United States imperialist aggression."

July 14-21: Lodge and McNamara arrive in Saigon, confer with Taylor, Westmoreland, and Premier Ky.

July 15: A "voluntary censorship" of news is requested of journalists by U.S. Military Assistance Command, Vietnam.

July 15: Harriman begins informal talks in Moscow with Kosygin.

July 16: Announcement of forthcoming visit to the USSR of North Vietnam delegation headed by deputy chairman of National Assembly member of Politburo of CC, Hoang Van Hoan.

July 20: McNamara leaves Vietnam after receiving requests for additional U.S. troops. He states "in many respects there has been a deterioration" since his last visit 14 months ago.

July 28: Ambassador Goldberg delivers note to U Thant from President Johnson asking the UN to employ its "resources, energy and immense prestige" in finding ways "to halt aggression and bring peace in Vietnam."

August 7: Accord between USSR and North Vietnam on deliveries of Soviet Railroad equipment to North Vietnam signed in Moscow.

August 11: Soviet Union indicates it would have no part in any American efforts to involve the UN in Vietnam.

August 14-28: Sojourn in the USSR of a delegation of National Assembly of North Vietnam headed by Hoang Van Hoan.

August 18: Senate approves \$1.7 billion supplementary appropriation for military operations in Vietnam.

August 19: Defense Department reports 561 Americans killed, 3,024 wounded, and 44 missing in Vietnam between January 1, 1961, and August 16, 1965.

August 23: White House pamphlet entitled "Why Vietnam."

August 24: The House Republican Committee on Planning and Research issues "white paper" criticizing the Administration's actions in Vietnam. It accuses the Johnson Administration of "an uncertain policy," "lack of candor," and "misleading statements."

September: Delegation of North Vietnam, headed by Hoang Van Hoan visits Communist China, North Korea and Mongolian Peoples Republic.

October 4-5 and October 28: Sojourn in the USSR en route to North Vietnam and Koean Democratic Peoples Republic and on way back, of delegation of Hungarian Socialist Worker's Party headed by member of Politburo of CC, 1 Hungarian CP, deputy chairman of Council of Ministers of HWP, I. Fok.

October 21: Defense casualty report states: Vietcong deaths in 1965 totaled about 25,000; 830 U.S. military personnel killed between January 1961 and October 18, 1965.

October 23: U.S. forces in South Vietnam reached total of 148,300: 89,000 Army, 8,000 Navy, 37,000 Marine, 14,000 Air Force, 300 Coast Guard.

November 2: R. Morrison, 32, a Quaker of Baltimore, commits suicide by fire in front of Pentagon "to express his concern over the war in Vietnam."

November 9: Roger Allen LaPorte, 22, of pacifist Catholic Worker movement burns himself in front of UN headquarters in New

*Communist sources.

York as protest against the war. Dies November 10.

November 11: McNamara announces "it will be necessary to add further to the strength of U.S. combat forces in Vietnam."

November 17: State Department confirms that North Vietnam peace feeler had been made May 20, 1965.

November 18: Defense casualty report 108 U.S. soldiers slain in week ending November 15, bringing to 1,095 slain since January 1961.

November 27: Vietcong release two U.S. soldiers captured November 24, 1963.

November 28-29: McNamara states that Vietcong's "expressed determination to carry on conflict . . . can lead to only one conclusion . . . that it will be a long war."

December 1: Gromyko declares peace talks would be conditioned on halting of U.S. air strikes against North and withdrawal of U.S. troops.

*December 6-22: Sojourn in the USSR of North Vietnam economic government delegation headed by member of Politburo of CC of Workers' Party of North Vietnam, Deputy Prime Minister, Le Thanh Nghi.

December 9: Ho Chi Minh calls President Johnson's offer of unconditional talks "absolutely unacceptable."

December 15: Air Force planes bomb and destroy North Vietnamese thermal power plant at Uongbi in first U.S. raid on major North Vietnamese industrial target.

December 17: U.S. sources confirm that Ho Chi Minh relayed an offer to hold talks.

December 18: North Vietnamese statement calls reports of Hanoi's peace feelers "sheer groundless fabrications."

December 25: A one-day Christmas truce agreed to by U.S. and Vietcong.

December 26: U.S. and South Vietnam offensive operations resumed in face of resumption of heavy Vietcong attacks; however, suspension of air raids on North continued.

December 28: Vietcong propose four-day cease fire for January 20-23, 1966, to mark Vietnamese lunar New Year, U.S. troops not included.

December 29: U.S. dispatches high-ranking emissaries to various capitals of the world in an attempt of achieving negotiated settlement.

*December 29: Announcement of forthcoming visit to North Vietnam of the USSR delegation headed by Secretary of CC of CPSU, A. N. Shelepin.

1966

January 1: Pope Paul VI makes public messages he had sent on December 31 to Moscow, Peiping, Hanoi and Saigon urging their leaders to seek an end to Vietnam war.

January 2-3: Ambassador Goldberg and Vice President Humphrey return from foreign tours.

January 7-12: Five-man Soviet mission led by CP Central Committee Secretary Aleksandr N. Shelepin visits Hanoi and arranges for increased Soviet military aid to North Vietnam.

January 8: Senator Mansfield and four other Senators file report with Foreign Relations Committee based on trip to South Vietnam and other countries.

January 9: Yale Professor Lynd returns after visit to North Vietnam.

*January 13-14: North Vietnam economic delegation headed by member of Politburo of CC of Workers Party of Vietnam, Deputy Prime Minister Le Thanh Nghi, visits USSR.

January 15: Secretary Rusk and Ambassador-at-Large Harriman meet with Premier Ky.

January 16: U.S. and South Vietnam communique states, "positions of two Governments were consistent in all fundamental respects."

January 16: Communist China denies So-

viet-supported rumors that Peiping is impeding trans-shipment of Soviet military equipment through China to North Vietnam.

January 19: The President sends Congress a request for additional \$12.76 billion supplemental funds primarily for Vietnam expenses.

January 20: Secretary McNamara reports loss of 351 planes and helicopters in Vietnam in 1965.

January 20-23: Vietnamese lunar New Year cease-fire marked by many clashes.

January 24: Ho Chi Minh states in a message to world communist leaders that U.S. must accept Hanoi's four-point peace formula and recognize NLF "as the sole genuine representative of the people of South Vietnam."

January 24: President Johnson submits budget for fiscal 1967; defense expenses to total of \$57.05 billion. Also \$9.1 billion new obligatory authority. Vietnam expenses for FY 67 are estimated at \$10.5 billion.

January 24: Senate Foreign Relations Committee hears three hours of testimony from Secretary Rusk in closed hearing.

January 31: President announces resumption of U.S. air strikes against North Vietnam.

January 31: Secretary Rusk summarizes "tragically negative responses from Hanoi."

February 1: UN Secretary Council meets to consider U.S. draft resolution calling for Council action to arrange an international conference to bring peace to South Vietnam and Southeast Asia.

*February 1: Soviet Ambassador to UN, N. T. Fedorenko protests Security Council meeting called by U.S. to discuss situation and accuses U.S. of lack of sincerity and of diversionary tactics to camouflage escalation of "aggressive war."

*February 1: Publication of Soviet protest on renewed U.S. air force bombardment of North Vietnam.

February 2: North Vietnamese foreign ministry formally rejects any UN action.

February 2: Security Council agrees by 9 to 2 vote (USSR and Bulgaria opposed; France, Mali, Nigeria, Uganda abstaining) to consider the war.

February 5: Defense Secretary McNamara refuses on grounds of security to testify publicly before Foreign Relations Committee of the Senate.

February 6: President Johnson in Honolulu for discussions with Premier Ky.

February 8: President Johnson states his determination to fight against aggression as well as for social construction in Vietnam.

February 8: Vice President Humphrey leaves Honolulu for Saigon with Premier Ky.

February 10: Former Ambassador G. Kennan urges orderly end to Vietnam conflict.

February 11: President Johnson disavows any desire to escalate. However, he adds "additional troops" will be sent as militarily required.

February 17: General Taylor testifies that U.S. intends to wage limited war.

February 18: Secretary Rusk's testimony before the Senate Foreign Relations Committee places emphasis on SEATO pact as legal basis for U.S. commitments in Vietnam.

February 19: Senator Robert F. Kennedy states National Liberation Front should be included in any post-war Saigon Government.

February 20: South Korea announces it will send an additional division and a regiment to South Vietnam.

February 21: Vice President Humphrey criticizes Sen. Kennedy's suggested inclusion of NLF into Vietnam coalition government.

March 1: Congress approves additional \$4.8 billion for the Vietnam war.

March 1: President Johnson renews his offer of aid to North Vietnam; exhorts Hanoi to negotiate.

March 2: Secretary McNamara reveals that U.S. forces in South Vietnam reached total of 215,000 men, with 20,000 on their way.

March 5: Gen. Taylor proposes mining of Haiphong Harbor.

March 6: Communist China accuses the Soviet Union of pressing North Vietnam to negotiate.

March 8: Australia announces intention of tripling its force from 1,500 to 4,500 by June 1966.

March 9: U.S. planes carry out heaviest bombardment of the war.

March 10: South Vietnamese Government removes Lt. Gen. Nguyen Chan Thi as District Commander in Hue.

March 11: Vice President Humphrey bars settlement that would give Vietcong role in a coalition government not earned in free elections.

March 10-16: Protests in Hue and Danang ensue over dismissal of Gen. Thi.

* March 13: TASS protests alleged U.S. use of poisonous substances against the North Vietnamese troops.

March 18: South Vietnam government votes to make no concessions to Buddhist demonstrators.

March 23: General strikes occur in Danang and Hue.

March 25: Premier Ky announces committee to draft constitution to be followed by elections.

* March 31: 10,000 Buddhists demonstrate in Saigon.

April 2-5: Anti-government demonstrations intensify in Saigon and spread to other leading towns in South. Premier Ky threatens the use of troops and flies to Danang to quell rebellion.

April 11: Defense officials acknowledge that Buddhist demonstrations have hampered operations against Vietcong.

April 12: B-52s from SAC base in Guam bomb North Vietnam for the first time.

April 12-14: National Political Congress (boycotted by Buddhist and Catholic organizations) meets in Saigon and adopts program designed to meet Buddhist demands.

April 16: South Vietnam military National Leadership Committee sets elections for a Constituent Assembly in August.

April 18: Senator Mansfield proposes "direct confrontation across a peace table" between U.S., China, North and South Vietnam; plan rejected by Peiping April 21, and Hanoi on April 22.

April 22: Pauline Frederick, NBC, quotes Soviet informant as stating that North Vietnam would be willing to enter into peace negotiations if U.S. would halt bombing of North Vietnam.

April 24: Communist MIG-17s appear in strength for the first time in the air war in North Vietnam.

April 26: Ho Chi Minh and Premier Pham Van Dong appear before National Assembly reaffirming Hanoi's four-point peace plan.

April 30: U.S. officials in Saigon set rate of North Vietnamese infiltration of the South at 5,500 men per month.

May 1: U.S. battalion drives Communist units into Cambodia.

May 2: Secretary McNamara predicts increase in U.S. troop strength.

May 3: U.S. forces fire on Vietcong in Cambodia.

May 7: Premier Ky declares he has no intention of resigning.

May 13: Communist China charges five U.S. planes "flagrantly" intruded over Yunnan Province May 12.

*May 13-14: Rumanian Communist Party and government delegation headed by member of Presidium of CC of Rumanian CP, first deputy Chairman of the Council of Ministers E. Bodnarus, visits USSR returning from North Vietnam.

May 15-23: Vietnamese government troops regain control of Danang from pro-Buddhist army units.

May 18: U.S. protests to Cambodia concerning Vietcong's use of its territory.

*Communist sources.

May 20-23: Saigon police and army units break up massive Buddhist demonstrations.

May 22: Harold Brown, Secretary of the Air Force, states that President Johnson decided against expanding list of bombing targets in North Vietnam.

*May 28: Plan for North Vietnam-USSR cultural and scientific collaboration for 1966 signed in Moscow.

May 31: Buddhist leaders and South Vietnam government officials begin talks in Saigon.

June 3: South Vietnam requests UN observers at Constituent Assembly elections scheduled in September.

June 6: South Vietnam ruling military National Leadership Committee of 10 generals expanded to include 10 civilians.

June 8: Buddhist leader Tri Quang begins fast.

June 16: South Vietnam moves troops into Hue to deal with Buddhist disorders.

June 18: President Johnson declares the U.S. would persist in using "the ground, naval and air strength required to achieve our objective."

June 20: Premier Ky signs decree setting September 11 election of constituent assembly.

June 23: South Vietnam government troops seize principal Buddhist stronghold in Saigon.

June 26: Secretary Rusk states that there are "no prospects for early peace" in Vietnam.

June 29: American planes attack oil installations in areas of Hanoi and Haiphong.

June 30: President Johnson calls for unconditional peace talks.

July 2: State Department estimates 40,000 Chinese workers are in North Vietnam.

July 5: Australian Prime Minister Harold Holt endorses U.S. policy in Asia, including bombing of North Vietnam.

July 6: Several captured American pilots paraded through streets of Hanoi.

July 7: Warsaw Pact nations issue declaration that they are ready to send "volunteers" to Vietnam.

July 8: Chief of State, Lt. Gen. Nguyen Van Thieu states that allies should invade North Vietnam if necessary in order to end the war.

July 10: Defense Department announces U.S. forces will expand to 375,000 by the end of 1966 and to 425,000 by spring of 1967.

July 11: U.S. reported to be carrying out over 100 air strikes a day over the Communist infiltration routes in Laos.

July 14: Secretary Rusk warns Hanoi against trying captured U.S. pilots as war criminals.

July 15: 18 U.S. Senators sign statement calling on North to refrain from any act of vengeance against captured airmen.

July 16: U.N. Secretary General U Thant urges North Vietnam to exercise restraint in treatment of American prisoners.

July 19: North Vietnamese Ambassadors in Peiping and Prague report that captured American pilots will go on trial in Hanoi.

July 20: President Johnson warns Hanoi that American people would regard war-crime trials of American prisoners as "very revolting and repulsive" and that they would "react accordingly."

July 23: Ho Chi Minh declares there is "no trial in view" for American prisoners.

July 24: North Vietnam official publication Nhan Dan reiterates Hanoi's four points as "sole basis" for settling the Vietnam problem.

July 25: Premier Ky urges allied invasion of North Vietnam as sole alternative to a long war.

July 30: B-52 bombers initiate first of series of attacks on growing North Vietnam troop concentrations in and around demilitarized zone.

July 31: Premier Ky states that he will not be candidate for President in 1967.

*Communist sources.

August 3: Thailand proposes an all-Asian peace conference.

August 3: A House Appropriations Subcommittee makes public testimony of May 11 by Secretary Rusk in which he said that U.S. observes a no-bombing buffer zone along the North Vietnam border with Red China.

August 7: Former Vice President Nixon in Saigon suggests that 500,000 American troops are needed to shorten the war.

August 9: Premier Ky expresses a willingness to negotiate an end of the war with North Vietnam provided "they would be willing to compromise" by agreeing to accept 17th parallel as border and "to withdraw their agents and soldiers from South Vietnam."

August 13-14: At end of two days of conference with Westmoreland in Texas, President Johnson warns that while a Communist military takeover in South Vietnam is impossible, there will be no quick victory.

August 18: North Vietnam denounces proposed all-Asia peace conference to settle the Vietnam war.

August 24: President Johnson endorses proposals for an all-Asian conference.

August 28: The USSR announces training North Vietnamese fighter pilots at an unidentified Soviet airbase.

September 5: President Johnson says U.S. troop withdrawal from South Vietnam is dependent upon a pull out of Communist forces.

*September 5-13: Visit to the USSR of North Vietnam economic delegation headed by member of Politburo of CC Workers Party of Vietnam, Deputy Chairman of Council of Ministers of North Vietnam, Le Thanh Nghi.

*September 11: South Vietnam voters (80.8 per cent of those eligible) elect a 117 member constituent assembly to draft new constitution.

After election of September 11, CC of National Front for Liberation of South Vietnam issues declaration stating that the Constituent Assembly holds no power and that the National Front for Liberation is the only representative of South Vietnam.

September 22: Ambassador Goldberg states that the U.S. will halt bombing of North Vietnam when it receives assurances, privately or otherwise, that Hanoi will respond by a reduction of its war effort.

September 22-October 2: North Vietnam economic delegation headed by member of Politburo of CC of Workers Party of Vietnam, deputy chairman of Council of Ministers, Le Thanh Nghi, visits USSR.

September 24: Communist China and North Vietnam reject U.S. peace proposals put forward by Ambassador Goldberg.

October 3: The Soviet Union announces new aid agreement with North Vietnam providing for both military and economic assistance. Washington officials cite evidence that Russian advisors might at times be operating Hanoi's air defenses.

October 4: Ambassador F. Kohler warns that an American blockade of North Vietnam would raise risk of military confrontation with USSR.

October 6: North Vietnam rejects UN Secretary General U Thant's appeal for mutual de-escalation of the ground war, but endorses his call for cessation of U.S. bombing of North Vietnam.

October 10: The Soviet Union declares that end to the U.S. air raids on North Vietnam is key to improved Soviet-American relations.

October 13: President Johnson rules out ending the bombing of North Vietnam without an indication that Hanoi will, in turn, de-escalate its military activities.

October 14: U.S. pilots fly a record 175 missions over North Vietnam.

*October 18: Visit to the USSR of North Vietnam economic delegation headed by member of Politburo of CC of Workers Party

of Vietnam, Deputy Prime Minister, Le Thanh Nghi.

October 24: The Manila Conference opens. Premier Ky tells the conference that South Vietnam will press a program of political-economic reform.

October 25: The U.S. and five other nations assisting South Vietnam offer to withdraw troops from South six months after Hanoi disengages itself from the war.

October 26: President Johnson pays surprise visit to Camrahn Bay and pledges full support to U.S. forces.

October 27: Hanoi and Peiking reject the Manila Conference troop withdrawal offer.

*October 27-November 3: President of Cuba, O. Dortico Torrado, Raul Castro, members of Politburo of CC of CP of Cuba, and Deputy Prime Minister of Defense Valle Timenes, visit North Vietnam and USSR.

November 5: Secretary McNamara states that the number of U.S. troops in Vietnam will continue to grow in 1967.

November 10: North Vietnam announces that the USSR, China and other Communist countries have pledged increased aid, both military and economic.

November 18: Secretary Rusk states that the U.S. might agree to short holiday truce in December.

November 25: Vietcong offers to observe 48-hour truces at both Christmas and New Year.

December 2: Premier Ky announces the U.S. troops will be stationed in Mekong Delta where operations previously were conducted solely by South Vietnam Army.

December 2-5: U.S. bombers stage heavy raids in the immediate vicinity of Hanoi.

December 8: Pope Paul urges combatants in Vietnam to extend holiday truces into an armistice and begin peace negotiations.

December 12: New York Times reports that the Soviet Union has sent North Vietnam 100 new MIG-17s and 21 jet fighters, thus doubling the size of Hanoi's air force.

December 13: Soviet press agency Tass claims that U.S. planes attacked residential areas of Hanoi.

December 14-15: U.S. officials admit that U.S. planes bombed military targets in Hanoi but deny Soviet charges.

December 16: Communist China charges that American planes bombed its Embassy in Hanoi. Rumania follows suit December 17.

December 19: U.S. asks Secretary General U Thant to take whatever steps he considers necessary to bring about cease-fire talks.

December 21: North Korean pilots reported to be flying MIG jet fighters in North Vietnam and training Hanoi's pilots.

December 30: Britain invites North and South Vietnam to begin cease-fire talks on British territory.

December 31: Secretary General U Thant calls on the U.S. to halt "unconditionally" its bombing of North Vietnam.

December 31: U.S. troop strength in South reaches 389,000. U.S. battle deaths in Vietnam reached 6,644, while total wounded reached 37,738.

1967

January 1: National Liberation Front announces that it will observe a seven-day truce during Lunar New Year celebration of February 1967. U.S. planes down seven Communist MIG fighters, North Vietnam's biggest daily loss of war.

January 3: South Vietnam accepts British proposal of December 30. North Vietnam rejects it.

January 3: North Vietnamese Premier Pham Van Dong asserts that Hanoi's four points are not "conditions" for peace talks but constitute a "basis for settlement" and "valid conclusions for discussion."

January 3: Thailand announces its intention to send troops to Vietnam.

January 5: North Vietnam's chief diplomatic representative in Western Europe states that if U.S. will "definitely and uncondition-

ally" stop bombing his country, Hanoi will "examine and study" proposals for negotiations.

January 8: Ambassador Lodge predicts "sensational" military gains in 1967 and that open peace negotiations would probably never take place. U.S. and South Vietnamese troops begin Operation Cedar Falls in Mekong Delta, largest single offensive of war.

January 10: Secretary General U Thant rejects view that Vietnam is vital to U.S. security and dismisses so-called "domino theory," and the view that the NLF in South Vietnam is stooge of Hanoi.

January 13: General Wheeler, Chairman of Joint Chiefs, says U.S. will not bomb MIG bases in North Vietnam.

January 17: South Vietnam proposes talks with Hanoi on extending Lunar New Year truce.

January 20: Senator Stennis calls for intensification of bombing of North Vietnam; predicts that over 500,000 troops will be needed in South Vietnam by the end of 1967.

January 23: Secretary McNamara lists enemy strength in South Vietnam at 275,000, including 45,000 North Vietnam regulars.

January 25: President presents budget for FY 1968. For Vietnam estimates expenditures at \$21.9 billion. Total defense for FY 68 estimated at \$73.1 billion.

January 28: North Vietnam's Foreign Minister asserts, "only after the unconditional ending of bombing and other acts of war being carried out by the U.S. against North Vietnam that there can be talks between the two countries."

February 2: The USSR charges Communist China with hampering its aid shipments to North Vietnam.

February 8: The Lunar New Year's truce begins.

February 8: Premier Kosygin, in London for discussions, says that an unconditional halt in the U.S. bombing of North Vietnam is necessary to enable negotiations to take place.

February 8: In message to Pope Paul, President Johnson expresses the hope that New Year's truce can be extended and open the way for negotiations.

February 9: Secretary Rusk tells that the U.S. will not cease bombing North Vietnam until Hanoi shows willingness to reduce its military effort in South Vietnam.

February 10: State Department voices "serious concern" over reports that North Vietnam has taken advantage of New Year's truce to increase its supplies to Communist forces in South Vietnam.

February 11: Izvestia terms an end of the U.S. bombing a first step to the limiting of military operations in Vietnam.

February 12: Allies resume ground action with the end of the truce, but U.S. planes do not bomb the North.

February 13: Premier Kosygin ends visit to Britain.

February 14: The U.S. bombs North Vietnam after a pause of nearly six days.

February 14: Radio Hanoi declares that there can be no bargaining on North Vietnam's demand that the U.S. halt the bombing "unconditionally and for good."

February 15: Secretary McNamara declares that bombing has been effective but major military objectives of the war must be achieved in South Vietnam.

February 23-24: 25,000 Allied troops begin Operation Junction City in a wide area near South Vietnam-Cambodia border.

February 24: Secretary McNamara states that the U.S. might bomb new targets in North Vietnam.

February 27: U.S. planes begin to drop mines in North Vietnam rivers.

March 1: The Senate by 75 to 19 passes resolution tied to \$4.5 billion military spend-

ing bill pledging support to President Johnson.

March 6: Premier Kosygin declares that the recent U.S. escalation of the war will result in a corresponding increase in Communist aid to Hanoi.

March 10: U.S. war planes bomb North Vietnamese Thanhuyen iron and steel works for the first time.

March 15: President Johnson announces Bunker will replace Lodge as Ambassador to South Vietnam.

March 16-20: The House and Senate pass \$12.2 billion supplemental FY 67 defense money bill for Vietnam. Senate 77 to 3; House 385 to 11.

March 20: President Johnson arrives in Guam for meetings with South Vietnamese officials. Premier Ky opposes coalition government in South Vietnam which would include Vietcong.

March 21: North Vietnam's Foreign Ministry discloses that President Johnson and Ho Chi Minh exchanged letters in February. Ho rejected President's call for peace talks unless the U.S. halted bombing and all other acts of war against North Vietnam.

March 22: U.S. officials announce plans to base B-52 bombers in Thailand for use in Vietnam.

March 27: South Vietnam's government approves new constitution voted by Constituent Assembly March 18.

March 28: Secretary General U Thant discloses that on March 14 he proposed to both sides a "standstill" truce in Vietnam. The U.S. and South Vietnam approved the plan but Hanoi rejected it.

April 3: State Department expresses concern that North Vietnam is brainwashing captured American pilots to obtain propaganda statements.

April 8: Saigon announces it will observe one-day truce on Buddha's birthday, May 23.

April 11: U.S. officials state that the Soviet Union and Communist China have apparently worked out an agreement to speed flow of Soviet aid to North Vietnam.

April 18: Saigon, in response to a Canadian proposal, suggests that one means of bringing about peace might be a withdrawal by both sides from the demilitarized zone. Hanoi had already rejected Canadian proposal.

April 19: The U.S. proposes that both sides pull back military forces ten miles from the demilitarized border zone as a first step toward peace talks. North Vietnamese on April 21 rejected proposal, calling it a "trick". The NFL on April 23 denounced the U.S. proposal.

April 20: U.S. planes bomb two power plants inside Haiphong for the first time.

April 24: U.S. planes attack two North Vietnamese MIG bases marking the first strike against such installations.

April 24: Communist China claims to have shot down two U.S. Jets over Kwangsi Province bordering North Vietnam.

April 27: Vietcong announces in radio broadcast that it will observe a 48-hour truce for Buddha's birthday, May 23.

April 30: Communist China rejects recent appeal by Secretary General Brezhnev for unity in aiding North Vietnam and the Vietcong.

May 1: Secretary Rusk lists 28 peace proposals "made by ourselves and others" which North Vietnam had turned down.

May 1: Senate Republican Policy Committee releases staff study critical of many aspects of U.S.-Vietnam policy.

May 3: President Johnson states that he has no "imminent" plans to substantially increase U.S. fighting strength in Vietnam.

May 5: Marines capture third and final peak of Hill 881.

May 8: Administration officials state the U.S. did not bomb immediate Hanoi area from mid-December to late April in an un-

successful effort to open negotiations with North Vietnam.

May 11: Secretary General U Thant expresses fear that "the initial phase of World War III" is being fought in Vietnam.

May 14: South Vietnam's Chief of State Thieu states that 50,000 American or allied troops will be needed 10 to 20 years after end of Vietnam war to guard against future aggression.

May 14: Gen. Lewis Walt, U.S. Marine Commander in Vietnam, states that more allied troops are needed there.

May 18-19: U.S. and South Vietnamese forces for first time move into demilitarized zone while U.S. planes bomb a power plant one mile north of the center of Hanoi.

May 19: South Vietnam's Chief of State Thieu declares his candidacy for President.

May 21: General Wheeler states that the U.S. commanders in Vietnam have strict orders to stay out of North Vietnam even if engaged in "hot pursuit."

May 22: President Johnson calls on North Vietnam to help negotiate a way "out of this bloody impasse."

May 30: Secretary McNamara authorizes Navy to spend \$800,000 for "exploratory" demobbing of battleship *New Jersey*.

June 11: U.S. jets attack North Vietnamese airfield at Kep.

June 12: South Vietnam releases 39 sick and wounded North Vietnamese prisoners.

June 12: U.S. military spokesmen state that U.S. planes have destroyed 115 North Vietnamese aircraft, roughly equal to the strength of the North Vietnamese combat air force in 1965.

June 15: Premier Ky states that 600,000 U.S. troops are needed in Vietnam.

June 20: U.S. formally expressed regret for damages caused to Soviet ship *Turkestan* on June 2 off the North Vietnamese port of Campha.

June 22: The Defense Department announces that the total U.S. troop strength in South Vietnam is 463,000 as of June 17, U.S. combat deaths stand at 11,099 and number of wounded totals 67,083.

June 23-25: President Johnson and Premier Kosygin hold two days of conference at Glassboro, New Jersey, with no success toward reaching an agreement on solution of the Vietnam War.

June 26: Communist Chinese fighters attack and down a U.S. F4C Phantom jet south of Hainan Island.

June 30: U.S. planes had damaged Russian merchant ship *Mikhail Frunze* in Haiphong Harbor.

June 30: Premier Ky withdraws from Presidential race to seek vice presidency on ticket headed by Thieu.

July 2: Secretary McNamara arrives in Saigon.

July 9: Secretary McNamara comments that more progress has been made in the last nine months than in the previous six years.

July 11: Secretary McNamara states U.S. will continue to "provide troops which our commanders consider necessary."

July 12: Chief of State Thieu rules out a general mobilization of South Vietnam because of problems of training and equipping additional troops.

July 15: Vietcong stage massive mortar attack on U.S. air base at Danang killing 13 Americans and wounding 150. Shelling destroys 11 planes and damages 10 more.

July 16: The U.S. admits that U.S. planes may have bombed Soviet ship *Mikhail Frunze* in Haiphong Harbor on June 29.

July 22: Presidential Advisors Gen. Taylor and Clifford leave for tour of the Far East.

July 22: Premier Ky announces that South Vietnam will increase the size of its armed forces. He repeats his view that 600,000 American troops are needed in Vietnam.

July 27: Premier Ky announces after talks with Gen. Taylor and Clifford that South Vietnam will increase the size of its armed

*Communist sources.

forces by 65,000 men to approximately 685,000.

July 30: Secretary General Thant says that the Vietnam war cannot end until the U.S. recognizes that it is "a war of national independence" rather than a war of Communist aggression.

August 3: President Johnson announces raising of maximum limit of U.S. personnel in South Vietnam to 525,000. South Korean officials tell AP that Seoul government has "agreed in principle" to send about 17,000 reservists to man supply lines in South Vietnam.

August 4: U.S. planes fly 197 missions over North Vietnam, exceeding record of 175 set October 14, 1966.

August 5: Presidential Advisors Clifford and Gen. Taylor return from two-week trip to capitals of the "Manila countries." Clifford states that the "bombing of North Vietnam should be carried on at its present level or possibly at an increased level."

August 11: South Vietnam's Defense Minister Gen. Cao Van Vien states that bombing of North Vietnam will not itself stop the infiltration into South Vietnam and that the war will last another 20 to 30 years unless the infiltration is halted.

August 11: U.S. Senators of both parties call for withdrawal of U.S. troops unless Saigon regime assures free elections in September.

August 11: U.S. planes destroy center span of North Vietnam's most important railway bridge linking Hanoi with Haiphong and Communist China.

August 12: U.S. Army Chief of Staff Gen. Harold K. Johnson says planned dispatch of 45,000 additional troops to Vietnam should be enough "to carry through a solution."

*August 15: North Vietnamese economic delegation arrives in Moscow.

August 17: Gen. Wheeler testifies that the U.S. has to bomb targets repeatedly to make sure the level of destruction is maintained.

*August 17: Member of Politburo, CC SPSU, Chairman Soviet Trade Union A. N. Shelepin meets with North Vietnam trade union delegation.

Deputy Head of North Vietnam economic delegation calls on USSR Deputy Minister of Defense, Marshall I. Kh. Bagramyan (head of Rear Services).

August 18: U.S. officials announce that Communist strength in South had been declining by about 2000 men per month since January 1967.

August 20: U.S. planes set a new one-day record of 209 bombing missions over North Vietnam.

August 22: Communist China accuses the U.S. of a "bold war provocation" in ordering bombing of North Vietnamese targets close to its border.

August 23: President Johnson names a 20-man commission to observe elections in South Vietnam.

August 27: Chief of State Thieu said he would meet with individual members of NLF to discuss problems but would not recognize them as equals or as an official negotiating group.

August 29: Chief of Staff of the Army, Gen. Harold K. Johnson, tells Senate Preparedness Subcommittee that the U.S. should bomb Haiphong Harbor.

September 1: Vietcong radio broadcasts a new national liberation front political program to overthrow Saigon government to establish a "national union democratic government" composed of the "most representative persons" among various social, religious, ethnic, and political groups.

September 3: South Vietnam's presidential elections take place. Approximately 4.8 million voters participate . . . 81 per cent of registered voters. General Thieu wins presidency, receiving about 35 per cent of vote.

*Communist sources.

September 6: President Johnson's 22-man panel of election observers report that the South Vietnam elections were generally fair.

September 7: Secretary McNamara announces that the U.S. will build anti-infiltration barrier along DMZ between North and South Vietnam.

September 11-12: U.S. planes bomb North Vietnam port of Campha for the first time September 11, and attack four previously untouched targets in Haiphong on September 12.

*September 12: Soviet-North Vietnamese Commission on Science-Technology Cooperation in Moscow. North Vietnam economic delegation arrives in Moscow.

September 14-16. North Vietnamese Defense Minister Gen. Vo Nguyen Giap warned that "our fight will be more violent in the days ahead," that the NLF would "step up their armed and political struggle, make the great people's war develop to a new degree."

*September 16: Secretary Gen. L. I. Brezhnev receives head of permanent mission of NLFSV in Moscow.

September 21: About 1,200 Thai troops land in Vietnam as first contingent of 2,500 troops expected.

*September 22: Premier Kosygin talks with Deputy Premier of North Vietnam Le Than Kghi in Moscow.

September 23: Soviet Union and North Vietnam sign an aid agreement, which provides for increased deliveries of military equipment (both air defense weapons and small arms), vehicles, petroleum, and other materials designed to bolster Hanoi economy. Kosygin pledges to support North Vietnam "till total victory" but declares that "perspectives for a peaceful settlement of the Vietnamese question have been opened recently."

September 24: Departure of North Vietnam economic delegation from USSR.

September 26. North Vietnam rejects idea of North Vietnam rendering definite assurances that it will negotiate in return for a U.S. bombing halt.

September 29: President Johnson declares that the U.S. will stop bombing of North Vietnam "when this will lead promptly to productive discussions."

October 2: South Vietnam's Constituent Assembly approves election of Nguyen Van Thieu as President.

October 3: North Vietnamese official newspaper Nhan Dan rejects President Johnson's San Antonio proposals.

October 17: Australia announces that it will increase size of its Vietnam force from 6,300 to 8,000. New Zealand announces that it will send an additional 170 infantrymen to join 370 already there.

*October 18: USSR-North Vietnam plan for scientific cooperation signed in Moscow.

October 25: U.S. planes bomb North Vietnam's largest air base, Phuocyen, for the first time.

October 29: Thailand's Interior Minister tells newsmen that his country will send 12,000 additional troops to Vietnam as soon as the U.S. provides arms and equipment.

October 31: Thieu inaugurated as President of Republic of Vietnam. Names Nguyen Van Loc as Premier.

*October 31: North Vietnam delegation arrives in Moscow.

*November 3: Ho Chi Minh awarded Order of Lenin but refuses to accept it until U.S. troops are driven out.

November 10: Premier Kosygin tells members of the National Liberation Front that the USSR will provide front with all necessary support in its struggle against "American aggression."

November 11: President Johnson suggests that Vietnam peace talks take place aboard a neutral ship in neutral waters.

November 14: North Vietnamese rejects President Johnson's offer to conduct negotiations at sea.

November 15. Gen. Westmoreland arrives in Washington; tells newsmen, "I have never been more encouraged in my four years in Vietnam."

November 16: U.S. planes bomb Haiphong's shipyard No. 2 for the first time.

November 17: President Johnson tells newsmen that the U.S. has no plans to increase its Vietnam troop strength beyond 525,000.

November 17: U.S. planes bomb Bacmai airfield near the center of Hanoi for the first time.

November 19: Gen. Westmoreland states that Communist strength in Vietnam could be sufficiently sapped by 1969 to permit withdrawal of some U.S. troops.

November 20-21: Heavy fighting between Allied and North Vietnamese troops rages around Dakto in Central Highlands.

November 21: Gen. Westmoreland says that the Vietnam War has reached a point "when the end begins to come into view."

November 24: The U.S. Command in Saigon issue revised estimate of Communist strength in South; 223,000 to 248,000 men plus an additional 75,000 to 85,000 political cadres.

November 30: The U.S. Senate passes by 82 to 0 a "sense of the Senate resolution," calling on President to "consider taking the initiative" in bringing Vietnam question before UN Security Council.

December 5: State Department issues statement that the U.S. would not oppose a UN invitation to National Liberation Front to appear before Security Council.

December 9: UN Secretary General U Thant tells newsmen that the NLF had sought to send representatives to UN "on the same basis as the Algerian NLF ten years ago" and that it was his impression that NLF "did not want to come to the Security Council."

December 19: President Johnson states that talks between the Saigon Government and members of NLF "could bring good results."

December 20: President Thieu tells newsmen that his government would never recognize the NLF as a legal body but that he would be willing to talk to individual NLF members.

December 21: President Johnson and Thieu issue joint statement in Canberra, Australia, in which Thieu expressed willingness to "discuss relevant matters with any individuals now associated with so-called NLF while making it clear that his government could not regard the front as an independent organization in any sense."

December 24: The 24-hour Allied Christmas truce goes into effect.

December 26: South Vietnam's Foreign Minister Tran Van Do states in Paris that South Vietnam forces will employ the doctrine of hot pursuit if Communist troops used Cambodia as sanctuary from which to cross border into South.

December 29: Prince Sihanouk says that Cambodia will not intervene militarily to stop U.S. troops pursuit of Communist forces if Communist units had crossed Cambodian frontier into outlying regions difficult to control.

December 30-31: Allies announce a 12-hour extension of 24-hour New Year's truce in response to plea by Pope Paul.

January 1: President Johnson says that he is "quite encouraged" by Prince Sihanouk's offer to permit American troops to cross the Cambodian border in pursuit of Communist units.

Radio Hanoi broadcasts a December 24 statement by North Vietnam's Foreign Minister Nguyen Duy Trinh that Hanoi "will hold talks with the U.S. on relevant questions" after the U.S. has "unconditionally" halted the Northern bombing and all other acts of war against North Vietnam.

1968

January 2: The Allied New Year's truce ends and the U.S. resumes the bombing of North Vietnam.

January 4: Secretary Rusk tells that the U.S. will explore fully North Vietnam's statement.

January 6: President Thieu states that Saigon and Hanoi should be the principal parties to any peace talks.

January 15: President Thieu declares that South Vietnam "should have the central role in any development relating to the events in Vietnam" and that "peace efforts should be made by the Saigon Government."

January 16: Mai Van Bo, North Vietnam's chief diplomat representative in Paris, tells newsmen that before peace talks could be held, the U.S. must stop the bombing and "other acts of war."

January 17: President Johnson says in his State of the Union message that North Vietnam "must not take advantage of our restraint as they have in the past" if the U.S. halted the northern bombing.

January 22: The State Department acknowledges that a combined U.S.-South Vietnamese patrol had entered Cambodian territory on January 18 in the heat of battle with a Vietcong unit that had fled into that country.

January 29: The Allies cancel their 36-hour Tet Truce in South Vietnam's five northern-most provinces.

January 30-31: The Communists launch simultaneous attacks on major South Vietnamese cities, including Saigon (January 31) where they temporarily invaded the grounds of the U.S. Embassy.

January 31: President Thieu declares martial law throughout South Vietnam as the Communists continue their attacks on Allied bases and major cities, 44 provincial capitals plus 25 airfields.

February 1: Secretary McNamara presents his final posture statement to the Congress. He warns that the combat strength of North Vietnamese forces in South Vietnam "may increase sharply in the next few months".

February 4: Secretary Rusk expresses the view that the recent Communist attacks on South Vietnamese cities showed "they are not seriously interested at the present time in talking about a peaceful settlement."

February 6: Dang Quang Minh, Chief National Liberation Front representative in Moscow, states that the NLF aim in its latest attacks was to overthrow the Saigon government.

February 7: North Vietnam reportedly uses tanks for the first time in the Vietnam war in an attack upon the U.S. Special Forces Camp at Langvel. The Camp fell on February 8.

February 8: Radio Hanoi quotes North Vietnamese Foreign Minister Trinh as saying that negotiations "will begin as soon as the U.S. has proven that it has really stopped unconditionally bombings and all other acts of war."

February 10: U.S. planes raid the Halphong area for the first time in a month. The U.S. pilots sighted two and possibly three Soviet made IL-28 jet bombers on Phucyen airfield near Hanoi.

February 13: Pentagon announced that the U.S. will airlift 10,500 additional troops to Vietnam in compliance with General Westmoreland's request.

February 14: Secretary Rusk announced that all U.S. attempts to launch peace talks "have resulted in rejection" by North Vietnam.

February 16: President Johnson says that the Joint Chiefs of Staff had made no recommendations for the use of nuclear weapons in Vietnam and that Hanoi is not any more ready to negotiate than it was three years ago.

North Vietnam releases three captured

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American pilots in the celebration of the Tet New Year.

February 18: The Communists shell more than 30 bases and outposts across South Vietnam.

February 27: Communist armored vehicles sighted within 50 miles of Saigon.

March 1: A South Vietnamese government source states that South will increase armed forces by 125,000 to 150,000 men by June 1968 instead of the previously announced 65,000.

March 4: According to the Defense Department figures total U.S. troop strength in South as of February 24, 1968, was 495,000. U.S. combat deaths stood at 18,799 (January 1, 1961-February 24, 1968) and wounded totaled 115,114 and 983 U.S. servicemen were missing and 238 were listed as captured. Communists killed since January 1, 1961, totaled 300,262.

March 5: Communists shell U.S. base at Camranh Bay for first time in war.

March 11: President Thieu appoints new chiefs for eight of 44 provinces to reduce corruption.

March 11-12: Secretary Rusk testifies before Senate Foreign Relations that Administration is examining its Vietnam policy; that Tet offensive has set back Allied effort, but that abandoning Vietnam would be "catastrophic—not just for Southeast Asia but for the United States."

March 13: South Vietnamese director general of information, Nguyen Ngo Linh announces that South is forming a "North Vietnam Liberation Army" to wage guerrilla warfare in North.

March 14: In speech Ky calls on Vietnamese people to liberate North. A Saigon spokesman says that Ky's office is organizing liberation army to invade North, and Ky states to newsmen that he will accompany it if and when it marches north.

March 15: About 50,000 U.S. and South Vietnam troops launch largest operation of war in five provinces west of Saigon.

March 19: North Vietnam's representative in France, Mai Van Bo starts a week of talks with the Swiss ministers in Bern; reportedly tells Swiss that DRV is "seriously prepared" to begin peace talks if U.S. halts bombing of the North.

March 21: President Thieu tells over television that South will increase armed forces by 135,000 to 900,000.

March 22: President Johnson intends to nominate Westmoreland to replace retiring Army Chief of Staff, H. K. Johnson in July 1968.

March 22: Ky states that an invasion of North is militarily advisable but "against the policy of the government for the time being."

March 25: Gen. C. Abrams, U.S. Deputy Commander in Vietnam, arrives unannounced in Washington for talks on increase of South's Armed Forces.

March 26: President Thieu removes four more province chiefs as part of his drive against corruption.

March 31: President Johnson . . . "no attacks on North Vietnam except in area north of the demilitarized zone where enemy build-up directly threatens allied positions." Bombing pause includes 90 per cent of North's population, but complete bombing halt could come "if our restraint is matched by restraint in Hanoi."

April 1: Soviet agency TASS gave first Communist reaction to partial U.S. bombing halt: "by refusing to fully discontinue the barbaric bombing, the U.S. continues to ignore legitimate demands of North on a full and unconditional cessation of bombing and all other acts of war."

U.S. planes bombed North Vietnam targets 205 miles north of and 90 miles south of Hanoi. Pentagon described raids as "within the framework of" President Johnson's new restrictions.

April 2: President Thieu said his government had agreed to President Johnson's order for a reduction in the bombing and added "that if North Vietnam does not respond with a corresponding goodwill gesture, it will be hard for us to accept any more goodwill gestures in the future."

April 3: U.S. Command in Saigon announced that 20,000 Allied troops were advancing on U.S. Marine Base at Khesanh to lift the 75-day siege of that fortress. The operation, which began in secret on April 1 reached Khesanh on April 6.

North Vietnam offered to meet with U.S. representatives to determine unconditional cessation of bombing and all other acts of war against Vietnam so that talks may start.

President Johnson sent reply to Hanoi same day suggesting Geneva as meeting site.

Moscow called North Vietnam's proposal "a realistic way toward ending the war" and added that "a further development depends on whether the U.S. stops bombing and other acts of war against North Vietnam fully and unconditionally and whether it takes a positive view of well-known proposals of North Vietnam and the South Vietnamese National Liberation Front on ways of settling conflict."

April 3: Peking called the partial bombing halt a "smokescreen" to cover further intensification of the war and urged the Vietcong to continue fighting.

South Vietnam's Vice President Ky indicated that his country would never accept a coalition government with the Vietcong as a condition for peace.

April 4: North Vietnam charged that U.S. planes bombed an area close to Laotian border far above 20th Parallel. Pentagon ordered investigation.

North Vietnam's Premier Pham Van Dong stated that terms of settlement "should be based on our four well-known points." He called the Tet offensive the turning point of the war.

April 5: An NLF Broadcast made no mention of North Vietnam's offer to hold talks to arrange a complete cessation of bombing. But said that Vietcong forces would "pursue the struggle until complete victory."

April 5: South Vietnam's President Thieu stated that "when there are real negotiations, the Republic of Vietnam will have to play the principal role."

April 6: U.S. casualties in Vietnam since January 1, 1961, reached 21,054 killed and 131,058 wounded; for the week ending April 6, 279 killed and 3,190 wounded; South 407 killed; Communist 2,251 killed.

April 7: Gen. Westmoreland stated "The spirit of the offensive is now prevalent throughout Vietnam, with advantage being taken of the enemy's weakened military position."

April 8: President Johnson announced that he had received reply from Hanoi to his proposal for direct contact, and hoped "to work out promptly" the time and the place for the talks.

April 8: Secretary Clifford denied North Vietnam's charge of April 4 that U.S. planes had bombed north of the 20th Parallel.

April 10: President Johnson announced appointment of Gen. Abrams to replace Gen. Westmoreland as US Commander in Vietnam.

The Allies announced launching of largest operation of war—Operation Complete Victory—involving 100,000 troops and aimed at eliminating Communist troops from the entire III Corps area.

Secretary Rusk said that North Vietnam's infiltration into South was "continuing at an increased rate."

President Thieu announced that he initiated bill calling for general mobilization and for armed forces of over 1,000,000 men.

April 11: Hanoi proposed Warsaw as site

for initial USDRV contact. White House Press Secretary Christian, indicated U.S. favored neutral site. A TASS dispatch publicized Hanoi's suggestion for Warsaw.

Secretary Clifford stated that decision had been made for South Vietnamese forces to take over a greater share of fighting.

April 15: President Johnson, in Honolulu, for talks with top U.S. officials on strategy and with President Park of South Korea, urged Hanoi to agree to peace talks in a setting "where both sides have representatives and communications."

April 17: Administration sources said that North Vietnam had built several new roads into South Vietnam from Laos and South Vietnam itself to improve their ability to move troops, heavy weapons and supplies into combat areas. An official North Vietnamese publication described the "new situation" in the war as an opportunity to "strengthen our forces" and shift "the balance of power more rapidly in our favor."

April 18: The U.S. proposed ten more sites for diplomatic contacts with North Vietnam: Ceylon, Japan, Afghanistan, Pakistan, Nepal, Malaysia, Italy, Belgium, Finland, and Austria.

April 19: North Vietnam rejected the ten new sites proposed.

Administration sources indicated that infiltration from North Vietnam had been so heavy in 1968 that about 2/3 of men in enemy main force units in South were believed to be native North.

April 20: Members of North Vietnamese delegation suggested Paris and New Delhi as sites.

April 22: South Vietnamese forces in Saigon and 11 surrounding provinces were placed on full alert because intelligence reports indicated an attack by 10,000 enemy troops on capital was near.

April 25: The U.S. and North Vietnamese diplomats met in Vientiana, Laos, over problem of site for preliminary peace talks.

April 27: U.S. sources in Saigon stated that U.S. reconnaissance aircraft had sighted 10,000 North Vietnamese trucks moving down Ho Chi Minh trail in Laos into South Vietnam during first 25 days in April. This figure was 2,000 more than previous monthly record.

April 28: U.S. Command announced that Allied forces began a large-scale offensive against Communists in the Ashau Valley on April 19 with intention of thwarting North Vietnamese buildup which would threaten city of Hue.

April 30: Secretary Clifford stated that for some weeks prior to March 31, the level of the traffic in North had increased and level was carried on through President's speech down to present time.

May 1: President Thieu declared, "We will never accept the peace solution set forth by the communists," and he formulated his five points:

1. any peace settlement needs de-escalation by both sides.
2. bombing of North Vietnam is only a measure to cope with aggression of the North in the South, and Hanoi cannot be allowed to differentiate between the two.
3. peace talks must be carried out quickly and successfully; Communists not allowed to take advantage of curtailment of bombing.
4. in formal peace talks Republic of Vietnam will automatically play a principal role.
5. Republic of Vietnam will not accept so-called South Vietnam National Liberation Front as valid participant.

Vice President Ky said, "We should not forget that for the Communists, there is no question of good will, and peace negotiations or agreement is nothing but a form and a stage of war."

May 3: South Vietnam's Foreign Minister Tran Van Do responded that Paris was acceptable and that a liaison officer from his

government would observe meeting but would not sit in on the actual negotiations.

May 4: Secretary Rusk stated U.S. regarded a halt of Communist infiltration into South Vietnam and other countries in the area as necessary for "an honorable peace in Southeast Asia."

American casualties for week ending May 4 were 383 killed and 1,501 wounded; South Viet 242 killed and 894 wounded; Communists 3,326 wounded.

The NLF issued appeal to citizens of Saigon to "rise up and stage armed revolts . . . destroy all police and security posts . . . attack and annihilate enemy . . . destroy all of the enemy's facilities . . . those who do not have rifles must use knives or hammers."

May 6: North Vietnam troops participated in fighting inside Saigon for the first time.

May 5: Vietcong shelled Saigon and a dozen other South Vietnamese cities and infiltrated small sniper and suicide squads into the capital. Communists had launched 119 mortar and rocket attacks throughout South Vietnam and ground attacks at 14 locations.

May 7: An "Administration official" told White House correspondents that North Vietnam had infiltrated more than 100,000 troops into South since start of TET offensive, and between 6,500 and 7,000 of Hanoi's troops had entered South during first five days of May. U.S. troops moved into Saigon to assist South Forces against Vietcong units still fighting in city.

May 7: Colonel Ha Van Lau, deputy to chief North Vietnam negotiator at Paris, Xuan Thuy, arrived in Paris and described himself as "optimistic" over upcoming talks.

U.S. delegation to Paris: Ambassador Averell Harriman, Cyrus Vance, General Goodpaster, H. Habib of the State Department, Jordan of White House Staff, and Davidson, special assistant to Harriman.

May 8: President Johnson stated in speech welcoming Thai Premier Thanom Kittikachorn, that the U.S. still bases its Vietnam policy on offer made at Manila in 1966 to withdraw American troops "as the military and subversive forces of North Vietnam are withdrawn, infiltration ceases, and the level of violence subsides."

NFL representative in Chinese capital had stated that the Front, while welcoming U.S.-North Vietnamese peace talks in Paris, was "determined to fight until final victory."

Premier Kosygin received North Vietnam representatives to Paris peace talks in Moscow.

May 9: Both U.S. and North Vietnam delegations arrived in Paris for preliminary peace talks scheduled to begin on May 10.

Radio Hanoi broadcast the text of letter from President Ho Chi Minh to Nguyen Huu Tho, chairman of NLF. Ho urged Vietcong to "increase the resolve to fight and win" and "fight continuously and on all battlefields, in order to win yet bigger victories."

President Thieu stressed a hard-line toward negotiations and stated, "We will never cede an inch of land to the northern Communists, we will never set up a coalition government with the NLFV."

May 10-11: U.S. and North Vietnamese delegates met in Paris for the first time and agreed to begin substantive negotiations on May 13.

May 11 U.S. casualties for week ending May 11 totaled 562 killed and 2,225 wounded. Number killed was highest toll for any week of war.

May 13: U.S. and North Vietnamese delegations met in first formal session in French Foreign Ministry's International Conference Center in Paris. North Vietnamese chief delegate, Xuan Thuy, repeated accusations that Vietnam war had resulted from U.S. aggression and brought up Hanoi's four-point program, and described it as "the basis for a correct political settlement of the Vietnam problem."

Ambassador Harriman replied, stating the U.S.'s objective of preserving "the right of the South Vietnamese people to determine their own future without outside interference or coercion." He asserted: "Since March 31, we have sought a sign that our restraint has been matched by the Democratic Republic of Vietnam. We cannot conceal our concern that your Government has chosen to increase numbers of troops and supplies from the North to the South."

May 16: A high-ranking Vietcong defector, Lt. Col. Tran Van Dao, said the Allies should intensify the Vietcong War to improve their bargaining position at negotiations in Paris. He warned against a coalition government that would include the Vietcong, saying that this would be an instrument for a Communist takeover of South Vietnam.

May 17: U.S. Command in Saigon announced that Operation Delaware, the offensive aimed at clearing enemy troops out of the Ashau Valley, had been completed.

May 18: At the third session of the Paris peace talks, Ambassador Harriman asked North to admit that it had troops in South in order to establish "some basis from which we can properly consider your demand for cessation of our bombing." He stated that North Vietnam had 95,000 troops in South, 72,000 of which were in regular North Army units with the remainder in Vietcong units.

North Vietnamese chief delegate, Xuan Thuy, pressed U.S. for unconditional halt to bombing and other acts of war against North Vietnam.

U.S. casualties during week ending May 18 totaled 549 killed, second highest weekly total of war; wounded 2,282; South Vietnamese, 475 killed and 1,476 wounded; Communist, 4,765 killed.

May 21: President Johnson sent to Congress a request for supplemental appropriations to cover increased costs of war. The new defense needs were set by President at \$3.9 billion for FY 68.

General Westmoreland stated North Vietnam infiltration totaled 15,000 in April 1968.

May 22: At fourth negotiation session at Paris neither side budged from previous positions.

May 23: British Foreign Secretary Stewart completed two days of talks in Moscow on Vietnam peace. No progress was made. Gromyko insisted on demand that U.S. cease bombing North Vietnam, while Stewart represented the American view that Hanoi must give a sign of restraint before bombing could be halted.

May 24: Soviet delegation returns from North Vietnam.

May 25: Vietcong renewed its attacks on Saigon as sharp fighting broke out on outskirts of city.

New cabinet of Premier Huong was officially announced, strengthening power of President Thieu.

May 27: Thai Premier Thanom Kittikachorn said Thailand would send 5,000 combat troops to South Vietnam in July at request of President Johnson.

At fifth negotiating session in Paris, North Vietnam chief delegate Xuan Thuy made a statement almost admitting the presence of North troops in South Vietnam. Ambassador Harriman declared that North Vietnam had infiltrated over 200,000 North Vietnamese into South Vietnam since Fall of 1964.

May 28: South Vietnamese House passed general mobilization bill short of what President Thieu had asked for.

South Vietnam Premier Tran Van Huong appealed to Hanoi to help "find an appropriate solution to the war." He suggested direct negotiations between North and South Vietnam.

President Johnson told newsmen that North Vietnam was infiltrating men and supplies into South "at an unprecedented rate" while pressuring the U.S. at Paris to stop

all bombing of North Vietnam without any reciprocal action.

In joint communique issued by President Johnson and by Australian Prime Minister Gorton, support was pledged to "a strong military posture" in Vietnam and to "intensive diplomatic efforts to obtain peace."

May 29: North Vietnam spokesman at Paris, Nguyen Thanh Le, accused President Johnson of using "hypocritical, false, lying words," in his statement of May 28 asserting that North Vietnam had been sending men and supplies into the South at an unprecedented rate.

May 30: General Westmoreland reported to President Johnson that Communist forces were "approaching a point of desperation" in Vietnam, placed number of North Vietnamese troops in South Vietnam at 90,000.

May 31: Following sixth formal negotiating session at Paris, which produced no visible progress, a North Vietnamese spokesman announced that Le Duc Tho, a member of the Politburo of Lao Dong (Communist) Party of North Vietnam was coming to Paris to join DRV delegation.

June 1: 438 Americans were killed and 3,870 wounded in week ending June 1; South Vietnam 345 killed and 1,163 wounded; Communists killed 4,737.

June 3: North Vietnamese Politburo Member, Le Duch Tho visits Moscow en route to Paris peace talks. Le Duch Tho arrived in Paris and accused the U.S. of "jeopardizing the progress of the talks" by its refusal to "cease unconditionally the bombing and all other acts of war."

June 4: Forty Vietcong rockets struck Saigon in heaviest bombardment of capital during the war. U.S. officials reportedly linked attacks to Paris talks.

French Communist newspaper, L'Humanite, published interview with North Vietnam's General Giap, who stated that President Johnson's decision to limit bombing of North Vietnam on March 31 stemmed from the "tragic defeat" suffered by Americans during Communist Tet offensive. Giap declared: "To have peace in Vietnam, the Americans should end their aggression and withdraw their troops."

The South reported that desertions from South Vietnamese Army climbed to an average of 9,000 per month in February, March, and April 1968 as compared to average of 6,000 per month in 1967.

June 5: Seventh formal session of Paris talks produced no results.

June 8: U.S. casualties in Vietnam week ending June 8, 380 killed and 2,739 wounded; South 392 killed, Communist 2,134 killed.

June 9: On his visit to U.S. troops in the field before leaving Vietnam to assume post as Army Chief of Staff, General Westmoreland stated, "Our side is getting stronger whereas enemy is getting weaker."

June 10: Following meeting with President Johnson in Washington, Ambassador Harriman remarked concerning Paris talks: "There is nothing new to be hopeful about."

June 11: Communists shelled Saigon, killing at least 19 Vietnamese civilians and wounding 106. Since the shelling began regularly on May 5, the Communists have killed at least 128 and have wounded 519. Today's barrage consisted of 30 122mm Soviet-built rockets.

Le Duc Tho, North Vietnamese Politburo Member, in Paris described as an "absurdity" the cessation of U.S. bombing of North in return for reciprocity on the part of Hanoi.

June 12: At eighth session of Paris negotiations, Ambassador Harriman raised issue of Vietcong shelling of Saigon and asserted that "this is a situation which could have the most serious consequences for these talks," North Vietnamese delegate Xuan Thuy replied that: "If the U.S. pulls out of Saigon the combat will cease around Saigon."

Soviet newspaper Izvestia, in article on U.S.-Soviet relations, asserted that Vietnam War had "frozen" increasing contacts, exchanges, and trade between the two countries.

June 13: U.S. and South Vietnamese officials in Saigon reportedly stated that Vietcong appear determined to launch another major ground attack upon Saigon.

June 16: General Creighton Abrams, US Commander, said that "we have the means to stop" Communist rocket attacks on Saigon.

June 18: A record total of 120 North Vietnamese and Vietcong soldiers surrendered to South Vietnamese troops in a Saigon suburb.

June 19: Ninth negotiating session at Paris saw no visible progress.

President Thieu signed South Vietnam's first general mobilization law to draft 200,000 men by end of 1968 for a total of 190,000.

June 24: North Vietnamese delegation headed by deputy Premier Le Thanh Ngi arrived in Moscow to open talks on Soviet military and economic assistance to North Vietnam in 1969.

June 26: Tenth negotiating session at Paris produced no progress.

June 27: U.S. command in Saigon announced that U.S. troops were withdrawing from base at Khe Sahn, which had survived a 77-day siege beginning in January 1968.

June 28: U.S. officials in Washington reported that flow of military supplies to North Vietnam by rail through Communist China had been interrupted and that the last shipment to reach North Vietnam entered the country on June 14. The officials reportedly expressed uncertainty over whether the cause of the disruption lay in renewed fighting between Red Guard factions in South China or in a Peking decision to punish Hanoi for negotiating with the U.S. at Paris.

June 29: Politburo Member Le Duc Tho left Paris to return to Hanoi.

July 1-7: U.S. B-52s staged heavy raids against Communist positions in the North just above demilitarized zone.

July 3: North Vietnam announced that it would release three captured American pilots for humanitarian reasons. At 11th negotiating session at Paris, Ambassador Harriman expressed gratitude and voiced hope that the gesture "indicated a willingness to move toward a peaceful settlement." The U.S. would probably respond by arranging release of more North Vietnamese prisoners in Allied hands. The three pilots left Hanoi August 2 and arrived in New York August 4.

July 4: Soviet Union announced signing of a new military and economic aid agreement with North Vietnam. No details or figures given. Department of State has estimated that Soviet aid to North Vietnam in 1967 totaled about \$700 million.

July 5: U.S. forces found three major caches of enemy weapons as they swept area around Saigon. Included in caches were 60 rockets and 1,100 rocket grenades.

July 5: Radio Moscow asserted that transport of supplies to North Vietnam by rail through Communist China had come to a standstill because of strife between contending factions in China's Cultural Revolution.

July 6: South Vietnam Premier Tran Van Huong stated that no unconditional cease-fire was acceptable to Saigon, and that one condition for a cease-fire would be the withdrawal of all Communist forces from South Vietnam.

New York Times reported information received in Hong Kong that Soviet military aid to North Vietnam had resumed its movement through Communist China after a "brief stoppage" in June.

July 9: Reports received in Hong Kong indicated that Premier Chou En-lai in speech delivered in mid-May acknowledged that factional fighting in Liuchow, Kiangsi province,

had paralyzed movement of military and economic supplies to North Vietnam.

President Thieu proposed meeting between President Johnson and himself. Johnson announced he would meet with Thieu in Honolulu around July 20.

July 10: The 12th negotiating session at Paris produced no progress.

A broadcast from Soviet Union repeated that main purpose of talks was to arrange unconditional cessation of bombing of North Vietnam. Moscow accused the U.S. of deliberately delaying, trying to use the talks to improve its military position in Vietnam.

July 10-11: North Vietnam's deputy premier, Le Thanh Nghi, and Communist China's deputy premier, Li Hsien-Nien, had pledged mutual support between their countries. Nghi was in Peking for talks on Chinese military and economic assistance to North Vietnam.

Vietnam Alliance of National, Democratic and Peace Forces criticized U.S. for lack of progress in Paris talks. Alliance accused the U.S. of "deliberately stalling" talks to gain time.

July 12-14: Saigon placed on full alert against an expected "third wave" Communist attack. Reports circulated that 1,000 Vietcong commandos had infiltrated city to launch assault.

July 14: Secretary Clifford arrived in Saigon and said that the U.S. would provide South Vietnamese armed forces with more weapons and firepower "even at expense of our forces."

July 15: North Vietnam delegate Nguyen Thanh Le stated in Paris that "the official talks have made no progress, they have not moved an inch, and there is no glimmer of hope."

July 16: North Vietnamese chief delegate Xuan Thuy noted that "there have been no rocket attacks on Saigon for several weeks." He then accused U.S. of staging heavy bombing raids in Saigon area, arming South Vietnam and increasing tonnage and number of sorties of the air attacks on North Vietnam.

July 17: Communique of NLF Central Committee Presidium summarizing the tasks of the Front stressed the aim of "completely defeating" the U.S. and "overthrowing the puppet administration."

Secretary Clifford told reporters at Danang that "the reason for the lull in the fighting is some of the North Vietnamese divisions have been withdrawn north of the DMZ for refitting and refurbishing; . . . They will return to combat in greater force and greater effectiveness."

The 13th negotiating session at Paris produced no progress.

July 19: First units of a 10,000 man Thailand division left for Vietnam. A total of 1,650 troops left, to be followed by 3,350 more in about a month. Remainder scheduled to leave in October. Thailand already has over 2,000 soldiers in South.

July 20: At news conference following meetings with President Thieu in Honolulu, President Johnson stated his Administration's determination "to defend South Vietnam" while pursuing "every avenue that might lead to peace."

July 20: Presidents Johnson and Thieu issued joint communique. Johnson promised "the continued support and assistance . . . as long as such aid is needed and desired." The two men "called on the authorities of Hanoi to respond to the substantial de-escalation initiated on March 31 and open the door to serious peace negotiations." They concluded that Hanoi had shown "no response" to the bombing limitation.

The two Presidents "affirmed that the Republic of Vietnam should be a full participant playing a leading role in negotiating a political settlement of the conflict."

U.S. casualties in Vietnam for week end-

ing July 20, 157 killed and 2,014 wounded; South 156 killed and 580 wounded; Communist 1,549 dead. U.S. troop strength remained 536,000.

July 22: President Thieu stated in a Saigon news conference that if the Communists de-escalated war "they should state very clearly what steps they are taking in the de-escalation . . ."

July 23: Total of 30 US planes reported shot down over North Vietnam since March 31, compared to 133 during same period last year. However, more missions being flown over North Vietnam: 130 per day, compared to 103 in 1967 and 65 in 1966.

President Johnson in a speech reaffirmed support of Saigon government and declared that he was determined neither to impose a coalition government "or any kind of government" on the South nor "let the totalitarians impose a Communist government of their direction either."

North Vietnamese and Communist China signed an agreement providing for military and economic assistance from Peking to Hanoi in 1969. No figures were disclosed. The U.S. government has estimated that value of the Chinese aid to North Vietnam in 1967 was about \$250 million.

July 24: The 14th negotiating session at Paris produced no progress.

July 27: U.S. casualties in Vietnam for week ending July 27 totaled 193 killed and 1,086 wounded; South Vietnamese, 243 killed and 781 wounded; Communist, 1,146 dead. Total U.S. killed in combat since January 1, 1961, reached 26,290. Total South Vietnamese killed in 1968 reached 15,078, while the 1961-68 figure reached 68,215. Total Communists killed in 1968 reached 124,938, and total since 1961 reached 374,083. U.S. troop strength reached 537,000.

July 27: Thai Communist guerrillas attacked with small arms the U.S. air base at Udorn, Thailand. This marked first assault on any of the American bases in Thailand.

July 31: President Johnson stated: "The number of North Vietnamese soldiers entering South Vietnam is now greater than at any other time" and estimated 30,000 or more in July, and "even more . . . will come in August." And he said we have "every reason to believe that the enemy is preparing a massive attack on our forces." Because of this, the President said, he could not order cessation of bombing.

The 15th session at Paris produced no progress.

August 3: U.S. casualties for week ending August 3, 171 killed and 1,050 wounded; South Vietnamese 250 killed and 738 wounded; Communists 1,461 killed. U.S. troop strength 538,000.

August 7: At 16th negotiating session in Paris, Ambassador Harriman stated the President has no basis to take the additional risks that a complete bombing cessation would entail. He declared that Hanoi had increased its infiltration into South Vietnam to "an unprecedented rate."

Ambassador Harriman informed North Vietnamese officials that the U.S. would release 14 captured North Vietnamese seamen.

U.S. sources in Saigon stated captured Vietcong documents and prisoner interrogations indicated that the Communists had called off several planned attacks on Saigon during period from early June to mid-July.

August 8: The U.S. Command announced that the Allied Forces had begun another drive into Ashau Valley with objective of destroying enemy supply and staging areas.

August 9: Vietcong command issued communique claiming massive military gains in first half 1968. Vietcong claimed it had inflicted 380,000 casualties on "enemy," including 133,000 U.S. casualties.

August 10: Republican Presidential nominee Richard Nixon received a briefing from President Johnson on Vietnam War. At the news conference following briefing, Nixon

stated that "under no circumstances" should the U.S. stop bombing of North Vietnam without receiving a quid pro quo.

U.S. casualties in Vietnam for week ending August 10 were 173 killed and 1,050 wounded; South Vietnam, 178 killed and 839 wounded; Communist 2,102 dead. U.S. troop strength 543,000.

August 11: U.S. B-52 bombers hit North Vietnam's targets just above DMZ for the first time in three weeks.

August 11: North Vietnamese delegate Nguyen Tanh Le attacked Republican Presidential nominee Nixon for his recent statements on Vietnam. Le charged Nixon "would be ready to use atomic arms to bring Hanoi to its knees."

*August 13: North Vietnam's Politburo Member Le Duc Tho arrived in Paris after six weeks of consultations in Hanoi. On his way back to negotiations he stopped in Moscow for two days of talks with Soviet Leaders.

August 14: The 17th negotiating session at Paris saw no change in the positions of either side.

August 17: U.S. killed for week ending August 17 totaled 159; 609 wounded; South 258 killed and 738 wounded; Communists 2,129 dead. U.S. troops strength 543,000.

August 18: Communist forces launched 19 separate attacks on South Vietnamese cities and allied fortifications.

August 19: Speaking to national convention of Veterans of Foreign Wars, President Johnson ruled out a cessation of U.S. bombing of North Vietnam until Hanoi showed willingness to de-escalate war.

Communist forces withdrew from Tay Ninh, leaving over 200 dead in a one-day battle.

August 20: Vietcong shelled 13 towns and military installations in Mekong Delta and launched ground attack on five of these. Heavy fighting also continued in Tay Ninh Province.

August 22: Vietcong shelled Saigon for the first time in two months.

August 24: U.S. casualties for week ending August 24 were 308 killed and 1,144 wounded; South Vietnamese killed, 495 and wounded 1,833; Communists killed 5,329. U.S. troop strength 539,500.

August 27: State Department announced that Ambassador Harriman had been instructed to tell the North Vietnam negotiators in Paris "to stop miscalculating or trying to interfere in internal American affairs and get down to serious business of making peace in Southeast Asia."

August 28: Democratic National Convention adopted its party platform for the 1968 election. Vietnam plank advocated cessation of bombing of North Vietnam "when this action would not endanger the lives of our troops in the field. This action should take into account the response from Hanoi." It also called for the negotiating of "an immediate end or limitation of hostilities and the withdrawal from South Vietnam of all foreign forces—both U.S. and allied forces and forces infiltrated from North Vietnam." For a political solution, the platform called for the encouragement of all parties in South Vietnam to agree to a postwar government "determined by fair and safeguarded elections, open to all major political factions and parties prepared to accept peaceful political processes."

At 19th Paris negotiating session, North Vietnam delegate Xuan Thuy rejected U.S. demand, as presented by Ambassador Harriman, that North refrain from interfering in internal American political affairs.

August 30: Radio Hanoi broadcast an "official appeal" by NLF Command for Central Vietnam calling on Communist forces in central Vietnam to "hit, destroy, annihilate the enemy in the new general offensive now under way."

* Communist sources.

August 31: U.S. casualties in Vietnam for week ending August 31 were 408 killed and 2,513 wounded; South Vietnam's, 484 killed and 1,868 wounded; Communist 5,292 dead. U.S. troop strength 537,500.

September 3: Two Vietcong terrorist bombings in Saigon wounded 11 South Vietnamese. One grenade exploded in front of the U.S. Agency for International Development headquarters.

September 4: The 20th negotiating session at Paris produced no progress.

September 5: Secretary Clifford told news conference that he saw a "basis for hope" that "we'll begin to get progress at Paris."

U.S. intelligence officers in Saigon stated that the Communists could launch full-scale attack on the capital no earlier than September 15.

September 6: Three terrorist bomb incidents were reported in Saigon. One explosion killed seven South Vietnamese civilians and injured 15.

U.S. casualties for week ending September 7, 195 killed and 1,400 wounded; South Vietnamese, 325 killed and 1,081 wounded; Communist, 1,664 killed. U.S. troop strength 535,500.

September 10: President Johnson told American Legion Convention in New Orleans that bombing of North Vietnam "will not stop until we are confident that it will not lead to an increase in American casualties."

South Vietnamese Government reported that "indiscriminate" enemy shelling of 31 provincial capitals in August had killed 115 civilians and wounded 471.

September 11: The 21st negotiating session at Paris produced no progress. South Vietnam and American forces repulsed assault on Tay Ninh, a provincial capital 50 miles northwest of Saigon and 10 miles from Cambodia.

South Vietnam's general mobilization has drawn more than 220,000 additional men into armed forces, "about 30 percent above what we expected," according to a Saigon official. Total includes 63,000 draftees and 161,000 volunteers. This has boosted armed forces to more than 755,000 men, with 800,000 expected by end of year.

September 14: U.S. casualties for week ending September 14 totaled 217 killed and 1,485 wounded; South Vietnamese, 286 killed and 1,269 wounded; Communists, 2,886 killed. U.S. troop strength 535,500.

September 15: A military spokesman in Saigon stated Allied forces had uncovered 38 tons of enemy supplies in two days of operations.

September 18: The 22nd negotiating session at Paris produced no break in the deadlock.

September 20: South Vietnam President Thieu expressed conviction that "next year Vietnamese armed forces will be able to take more responsibility for mobile operations."

September 21: U.S. casualties for week ending September 21 totaled 290 killed and 1,762 wounded; South Vietnamese, 473 killed and 1,262 wounded; Communists, 3,380 killed. U.S. troop strength 538,500.

September 24: Congressman Melvin Laird stated current plans of the Johnson Administration call for reducing American troops in Vietnam by about 90,000 men by June 30, 1969.

Presidential candidate Richard Nixon stated, "The more we can conduct the war . . . with less men the better." But he said requirement for "fighting forces" in Vietnam remains same and "there will be no reduction until there is a change in the enemy's attitude."

September 25: The 23rd negotiating session at Paris produced no visible progress.

September 27: South Vietnam President Thieu said in Danang that South Vietnam's rural development program had "more or less" recovered from blows of the Communist Tet offensive.

September 28: At least two battalions of U.S. Marines pushed on for the 12th day in the Demilitarized Zone in longest sustained American operation there since war began. American and South Vietnamese forces have entered DMZ about a half dozen times previously, but none of these operations lasted more than two days.

U.S. casualties for week ending September 28 numbered 247 killed and 1,779 wounded; South Vietnamese, 316 killed and 1,230 wounded; Communists, 3,398 killed. U.S. troop strength 538,500.

September 29: Secretary Clifford stated that there were "bits and straws" of progress in Paris negotiations.

George Ball, former Ambassador to UN, stated with respect to Paris negotiations: "Within the past month or so I have been beginning to feel that we are on the verge of a breakthrough."

September 30: Speaking on nationwide television, Vice-President Humphrey declared: "As President I would stop the bombing of the North as an acceptable risk for peace because I believe it could lead to success in the negotiations and thereby shorten the war . . ."

US battleship New Jersey, taken from mothballs for duty in Vietnam, saw its first action in shelling Communist targets in the DMZ, nine to twelve miles inland.

Former Vice-President Nixon said that he was "pleased" at emphasis Secretary Clifford placed on de-Americanizing the Vietnam War through speeding up training and equipping of South Vietnamese forces but stated that "after election to the Presidency I intend to advance this program far more vigorously than has the present Administration."

October 1: U.S. military spokesmen in Saigon said that Communist killed in the Vietnam War since January 1, 1961 had surpassed 400,000 mark—401,589 as of September 21, 1968.

October 2: The 24th negotiating session at Paris saw no apparent progress.

October 3: Speaking to UN General Assembly, Soviet Foreign Minister Gromyko declared that first step toward peace was unconditional cessation of U.S. bombing and other acts of war against North Vietnam.

October 7: Former Vice-President Nixon told reporters following briefing with Secretary Rusk that there had been "substantial improvement" in Vietnam military situation. He reported "no significant change" in Paris negotiations but said that some hope remained for break in talks before November election. He described as "completely inaccurate—fabrications" reports that Harriman and Vance were seeking total U.S. bombing halt; he asserted that Rusk had assured him on that point.

October 8: U.S. Marines and South Vietnamese troops reoccupied Khesanh, scene of a siege in early part of 1968. U.S. spokesmen in Saigon said that the return to Khesanh was only temporary and was designed to locate North Vietnam's supply caches in area. In another action, Marine units moved into southern half of DMZ and discovered arms caches, including one containing 200 rounds of ammunition for Soviet-built 152 mm artillery. This was first discovery of ammunition for these guns, which the Communists to date had not used in South Vietnam.

Administration sources reportedly stated that President Johnson would not halt bombing of North Vietnam without reciprocity even if this meant that he would leave office in January 1969 with the negotiations still deadlocked.

October 8: U.S. Mission in Saigon reported that from January 1, 1968 through October 5, 1968, Communist terrorists had killed 4,150 civilians, injured 9,379 and kidnapped 6,538.

The 25th negotiating session at Paris produced no progress.

October 10: President Johnson and Prime Minister Keith Holyoake of New Zealand

issued joint communique in Washington stating that the situation in Vietnam had improved in recent months but that North Vietnam "still shows no disposition to scale down the fighting." The two leaders asserted that a just peace calls for "both a strong military posture and intensive diplomatic efforts."

October 10: U.S. military officials in Saigon stated that recent Allied discoveries of Communist rice caches threatened some North Vietnamese units operating west of Saigon with starvation.

October 11: Two representatives of NLF arrived in Paris to set up an information bureau.

October 12: U.S. casualties for week ending October 12 were 177 killed and 1,278 wounded; South Vietnam, 176 killed and 690 wounded; Communists, 1,527 killed. U.S. troop strength 538,500.

October 14: North Vietnam's Politburo Member Le Duc Tho left Paris unexpectedly for Hanoi via Moscow and Peking. North Vietnamese officials said he was flying home for "routine consultations." Later reports indicate he flew home for consultations on the developments toward expanded talks to include Saigon and NLF.

President Thieu sent South Vietnam's National Assembly a proposed budget for 1969 providing for outlays of 130 billion piasters (\$1.1 billion) according to parliamentary sources. Defense expenditures accounted for 85 billion piasters or 65 percent of budget. Sources said that the size of the regular South Vietnamese forces and militia would total 801,000 by the beginning of 1969 and 816,000 by the end of year. Government projected government income in 1969 at 80 billion piasters with U.S. aid supplying 25 billion piasters of this total.

October 15: U.S. civilian and military officials in Saigon said enemy main force units had pulled back or were driven back from all of South Vietnam's major cities for first time since Tet offensive. The withdrawal did not appear to be a peace gesture.

October 16-31: Series of meetings held in Saigon between President Thieu and U.S. Ambassador Bunker in effort to reach agreement on halt in bombing of North Vietnam and on expanded talks in Paris.

October 16-17: Reports circulated in Washington, Paris, Saigon and Canberra that the U.S. is on verge of totally halting bombing of North Vietnam.

Official U.S. statements in Washington, Paris, and Saigon gave no clue as to status of heightened diplomatic activity. White House Press Secretary Christian issued statement that "There has been no basic change in the situation; no breakthrough."

In Paris, Ambassador Harriman said after the 26th negotiating session on October 16 that he saw "no straws in the wind." North Vietnamese delegate Xuan Thuy declared that the "26th meeting was just like the 25 preceding ones."

October 17: U.S. officials in Washington disclosed that the U.S. still expected specific assurances from North Vietnam that it would respond in a positive manner to a cessation of bombing.

Administration officials in Washington reportedly stated that South Vietnam's President Thieu had endorsed latest U.S. diplomatic probes to North Vietnam on bombing issue. However, many South Vietnamese officials viewed current activity with skepticism. Vice-President Ky allegedly opposed any cessation of air attacks.

Orr Kelly of the Washington Star listed the following North Vietnamese pullbacks: 1. Two divisions have withdrawn north of Benhai River which separates North and South; 2. A third has moved into Cambodia or Laos from Central Highlands; 3. Portions of two divisions have withdrawn into Cambodia from Tay Ninh City area west of Saigon.

October 18: Administration officials in Washington reportedly said that Hanoi and not Saigon held key to acceptance of new U.S. proposal to halt bombing of North Vietnam.

October 19: Former Vice-President Nixon proposed a mutual security pact of "the Asian nations themselves."

South Vietnam President Thieu stated that there had been "no breakthrough in negotiations over a U.S. bombing halt," and called for specific assurances by Hanoi that it would de-escalate the war in return.

George Wilson reported in Washington Post that according to Administration sources, as many as 60,000 Communist troops had withdrawn from the South over last several weeks. This included elements of five North Vietnamese divisions.

The number of U.S. troops killed in week ending October 19 totaled 100, wounded 587; South Vietnamese, 132 killed, 624 wounded; Communist, 1,440 killed. U.S. troop strength 535,500.

October 21: Thai Premier Thanom Kittikachorn voiced opposition to a complete halt to the bombing of North Vietnam.

October 20-22: U.S. and North Vietnam observed a truce for 36 hours in an area of about 288 square miles along North Vietnam's coast 145 miles north of DMZ for purpose of facilitating release of 14 North Vietnamese seamen captured by U.S. in 1966.

October 22: President Thieu issued statement that he does not oppose the cessation of the bombing of North Vietnam if "North Vietnam seriously intends to join us in de-escalating the war."

Pentagon officials said that reports that North Vietnam had withdrawn as many as half of its troops in last three weeks were exaggerated; Hanoi pulled out approximately 40,000 troops, about one-third of the 120,000 to 130,000 estimated to be in the South, a few miles over the border into sanctuaries from which they could easily return.

October 22: Radio Hanoi acknowledged U.S. release of 14 captured North Vietnamese sailors.

October 24: President Johnson stated that there had been "no basic change," in negotiations over bombing cessation.

South Vietnam announced that it would free 140 Vietcong prisoners within ten days as "a humanitarian gesture." Vietcong recently freed eleven government soldiers.

October 25: Secretary Clifford asserted that North Vietnam had withdrawn 30,000 to 40,000 troops from the South but that 80,000 still remained, and that it was "too soon to be able to attach any significance to the lower level of combat."

Vietcong's Liberation Radio called on the U.S. to stop bombing of North Vietnam unconditionally.

About 200 Communist troops attacked U.S. base north of Saigon near Cambodian border.

U.S. casualties for week ending October 26 included 109 killed and 717 wounded; South Vietnamese, 103 killed and 578 wounded; Communists, 1,995 killed. U.S. troop strength 534,000.

October 27: Former Vice-President Nixon said that the imposition of a coalition government on South Vietnam would constitute a "thinly disguised surrender."

October 27-31: Radio Hanoi denied that North Vietnam is prepared to accept U.S. conditions in return for bombing halt.

October 28: South Vietnam President Thieu and New Zealand Prime Minister Keith Holyoake issued a Communique following their discussions in Saigon. It stated that "The so-called National Liberation Front cannot be considered as an independent entity distinct from North Vietnam in international peace negotiations."

North Vietnam delegation in Paris cancelled its weekly news conference for the second straight week.

October 29: The U.S. had planned to an-

nounce on October 29 that bombing would be halted on October 30 and that expanded talks would begin November 2.

General Abrams held secret conferences with President Johnson at the White House. The U.S. B-52 bombers had made heavy strikes against enemy troops massing in Tay Ninh province northwest of Saigon.

October 30: The 28th negotiating session at Paris saw no outward signs of a breakthrough in the deadlock.

North Vietnamese newspaper Nhan Dan said that U.S. "propaganda campaign about a so-called breakthrough in Paris will end in a flop." It called for an unconditional halt to bombing.

According to "informed sources" in Washington in recent weeks, North Vietnam had withdrawn the 320th Division and the 164th Artillery Regiment from the I Corps area into North. In addition, three infantry regiments in Hue area have been sent into Laos or North.

Authoritative sources in Washington asserted that General Abrams had told President Johnson that he could accept a bombing halt under present conditions.

October 31: In a final meeting between Ambassador Bunker and President Thieu in Saigon an effort was made to get Saigon to agree to a halt in bombing and to expanded talks in Paris. There were sharp disagreements during meeting, which lasted some seven hours, ending only three hours before Johnson announced bombing halt. The shelling of Saigon and Hue by Vietcong rockets, killing 34 persons during night of October 31 Saigon time, when the meeting was held, reportedly increased domestic pressure on Thieu to reject terms for expanded Paris talks.

October 31: President Johnson announced the U.S. would cease "all air, naval, and artillery bombardment of North Vietnam" as of 8 a.m. Washington time, November 1. The President said that in the course of the Paris talks the U.S. negotiators said that the U.S. would stop air attacks "when that would lead to prompt and productive talks, in which the Government of Vietnam was free to participate." The President added that the U.S. had stressed that it could not halt the bombing "so long as by doing so we would endanger the lives and the safety of our troops." In the past week, the U.S. had begun to get confirmation of the essential understanding that we had been seeking with the North Vietnamese on the critical issues between us."

Following President Johnson's announcement a "close associate" of Vice-President Ky reportedly commented, "We were informed last night, but we didn't go along with it. We are very unhappy." And President Thieu declared: "As long as we have no sign of good will from Hanoi that they will start talks directly with us, that they would agree to de-escalate the war and not maintain that the National Liberation Front is a separate entity at the peace conference, we cannot halt the bombing." When asked if a cessation would take place before the American presidential election, Thieu said: "Frankly, I don't care about the election but about the good will of Hanoi . . . I can't decide for President Johnson but I never believed the U.S. would do it."

State Department denied reports that President Johnson knew when he announced bombing halt that South would boycott the expanded peace talks in Paris.

November 2: South Vietnam President, Nguyen Van Thieu, announced the decision to boycott the expanded Paris talks if the NLF will be included as a separate delegation.

November 3: Hanoi and NLF agree to expanded talks.

November 5: The U.S. Government initiated to postpone the expanded talks scheduled to start on November 6.

November 5: The National Liberation Front delegation arrived in Paris.

*November 6: Secretary General L. I. Brezhnev receives head of NLF mission in the USSR.

*November 7: North Vietnam Worker's Party Delegation arrives in Moscow.

*November 8: South Vietnam President Thieu proposes two-sided conference headed by South Vietnam.

November 9: South Vietnam government reports to ICC that populated places were shelled in 14 provinces, and in Saigon area and city.

November 10: Communist guns shell DMZ area.

November 12: The U.S. lost its first plane since the halt of bombing of the North.

Secretary Clifford warned South Vietnam that U.S. might proceed without Saigon.

November 13: The U.S. Government charge that Communist operations in DMZ violated the U.S.-Hanoi agreement of bombing halt.

November 14: U.S. and South Vietnam troops repulsed 1000 North Vietnamese regulars near Saigon.

November 15: Hanoi spokesman in Paris, Nguyen Thanh Le, accused the U.S. of continuing reconnaissance flights over the North.

November 17-18: City of Danang attacked by North Vietnamese.

November 18: Le Duc Tho arrives in Paris from Moscow.

November 21-27: North Vietnam delegation, headed by Deputy Prime Minister, Le Thanh Nghi, in Moscow.

November 26: Joint communique by USSR and North Vietnam delegation in Moscow, cooperation stressed; the agreement covers exports to North Vietnam of equipment, food, fertilizers, armaments, munitions and other materials.

December 2-5: Ambassador-at-Large W. A. Harriman returned to the U.S. to brief President Johnson and President-elect Nixon.

December 7: South Vietnamese Senate and House endorse government's decision to participate in the Paris peace talks.

December 8: Vice-President Nguen Cao Ky arrives in Paris to participate in expanded peace talks.

December 9: North Vietnam and NLF delegation stop off in Moscow on way to Stockholm International Conference on Vietnam. Soviet Committee of support to Vietnam (deputy chairman, Major General of Aviation, G. N. Zahkarov), meets for a conference.

December 11: There was no agreement reached on the "table issue" at the Paris talks.

December 13-15: Stockholm International Conference on Vietnam, main resolution: "Vietnam-69—international mobilization."

December 16: The NLF delegates to the Paris peace talks arrived in Moscow for a meeting and conferences with the Secretary of CC CPSU, M. A. Suslov, Secretary of CC CPSU, B. N. Ponomarev, Deputy Chief of international Department of CC CPSU, R. A. Ulyanovskiy and Deputy Minister of Foreign Affairs, N. P. Firiyubin.

December 20: Eighth anniversary of NLFV celebrated in the USSR. Significance of the Soviet support strongly stressed.

December 31: U.S. Department of Defense announced U.S. casualties in eight years of Vietnam War as 30,543 killed and 192,372 wounded (99,643 seriously wounded) and 1,243 missing in action. Close to 50 percent of these totals were losses in 1968: 14,521 killed and 46,655 seriously wounded.

1969

January 25: The first session of formal peace negotiations between the U.S. and South Vietnam on one side, and the FLN and North Vietnam on the other, was held in Paris. It produced no positive results.

Eighteen subsequent sessions held before June 1969 produced no visible progress.

*Communist sources.

May 8, 1969: National Liberation Front of South Vietnam presents 10-point program at peace negotiations in Paris.

May 23: Representatives of Central Committee of NLF and Vietnam Union of National Democratic and Peaceloving Forces hold clandestine meeting in South Vietnam to discuss planned Congress of Representatives of Peoples of South Vietnam. Purpose of Congress: creation of a Provisional Revolutionary Government of the Republic of South Vietnam.

June 5, 1969: Twentieth session of peace negotiations between the U.S. and South Vietnam and the NLF and North Vietnam held in Paris. No results were produced.

June 5-17: International Congress of Communist and Workers' Parties held in Moscow (75 CP participated).

June 6-8: Congress of Representatives of Peoples of South Vietnam held in a secret location within Communist-controlled territory in South Vietnam.

June 8: Provisional Revolutionary Government of the Republic of South Vietnam established.

June 13: The Provisional Revolutionary Government of the Republic of South Vietnam is officially recognized by the Soviet Union.

The International Congress of Communist and Workers' Parties expresses unanimous support of the Provisional Revolutionary Government of the Republic of South Vietnam.

Eleven other Communist and non-Communist countries recognize the new Provisional Revolutionary Government of South Vietnam.

A SOUTH DAKOTA COLLEGE PRESIDENT SPEAKS FOR THE CHURCH

Mr. McGOVERN. Mr. President, the current issue of Look magazine contains a succinct but compelling statement about the contemporary church, written by Dr. Donald Ward, president of Yankton College at Yankton, S. Dak.

Because of the general interest in the issues raised by President Ward, I ask unanimous consent that the article be printed in the RECORD.

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

THE UNDERGROUND CHURCH IS NONSENSE

(By Donald B. Ward)

TODAY'S CHURCH IS A MESS, BUT GOING UNDERGROUND IS NO SOLUTION

So now they're building underground churches.

Many priests and ministers claim theirs are outmoded, irrelevant and meaningless in today's world so they quit and "go underground."

My reaction? Underground, schmunderground!

Yes, today's church is a mess. Lord, how it needs to update its liturgy, compose timely hymns, pray in today's language, be thoroughly honest with itself, jostle the status quo.

But an underground church? Nonsense. What the avant-garde boys want is an idealized church, perfectly fulfilling every mandate of Jesus, with the Holy Spirit hovering constantly. That dream church will forever be "out there" in some utopian future. Our New Testament forebears discovered this—that Jesus was not coming back to set up that perfect congregation, and that they would have to live with the highly imperfect model that had been given them. Thus, Christian eschatology was born.

The bright, young, abdicating ministers want a perfect Christian community in which Jesus' ideal of selfless love and noble sacrifice

is followed to the letter. They can forgive all our sins except that we are sinners and therefore cannot possibly be that ideal congregation. Their visionary church simply doesn't fit our chaotic, mixed-up world. And the underground church had better learn this quickly and rejoin the stumbling, fumbling church on the corner. The underground church will not save the world, for it does not really exist.

The trap they have so easily entered is to call the church an "it." "It" is outmoded; "it" is irrelevant, etc. The church is not "it"; it is *they, we, us, you, me, the people*. Our Roman Catholic friends are learning this painfully as the authoritative *it* struggles to become, agonizingly, the living *we*.

My minister friend, Ralph Hoffman, looked out over his congregation one Sunday as they sang *Onward Christian Soldiers*. At the second stanza, "Like a mighty army moves the Church of God," Dr. Hoffman assessed his "mighty army" in the pews before him. The incongruity was pathetic. He saw a ragtag army of remnants: people who had reached bottom or suffered some severe crisis—a deeply sorrowful new widow, a man with terminal illness, another losing his job in a company economy move, an alcoholic, a young girl pregnant out of wedlock. That was his church: certainly not an army, but a remnant; most certainly not an "it," but "they," "him," "her," "us."

The avant-garde ministry calls that church irrelevant, outmoded. But there is nothing irrelevant or outmoded about ministers or concerned laymen who agonize with suffering, seeing people through their dark days.

"This is the world Christ loved," said John XXIII, "and man must be saved where he is, not where he ought to be." Human compassion is human compassion, whether it is manifested in a frightened right-wing community in Idaho, in Ozzie and Harriet suburbia or in a ghetto on Chicago's scenic West Side. How does the dedicated minister reach his ragtag remnants where they are? He faces them, whether they are farmers, steelworkers or ad executives, and he talks and he listens. He doesn't go underground.

Just how sick are our churches? Every congregation has its pockets of gangrene and flashes of fitness. But isn't it a matter of individual attitudes and personal relationships rather than one big institutional disease? Our church—that Edwardian pile of granite where my wife Vera and I teach Sunday school—has everything from apathy to euphoria. Our membership runs the gamut (or is it gauntlet?) from disgruntled intellectuals through sincere idealists to uneducated sentimentalists. How can one single dogma or theology fill everyone's bucket of need? We have our squabbles, but we are still held together by a common spiritual bond, so we struggle on.

Our missionaries do battle in urban ghettos and overseas, leaving the headlines to VISTA and the Peace Corps, whose activities were begun by the church long before the Government nationalized them. Missionaries haven't worn starched collars, Mother Hubbards, flat heels or pince-nez for decades. They're as hip a bunch of swingers as ever taught a Turkish farmer to use insecticides.

Discouraged ministers must not go along with the hippie assumption that you make the relevant scene only by dropping out. Staying aboard and working with Establishment people, teaching them to see true value through the facade of our walnut-paneled, town-and-country-sedan, trimmed-hedge existence is the greater challenge. Hippiedom provides the easy way out—reject and forget. But Jesus was no dropout. Our modern defectors threaten to take along with them those idealists who are desperately needed to fight our common sin. With their help, faith and true commitment will come easily

in an underground church made up of the zealots, the theologically aware, the sensitively educated elite. Will they seek a smug, snug harbor, untouched by reality's biting winds? Who is really abdicating responsibility to the institution?

And that's another complaint. The church is too "institutionalized." But if the underground church catches on, part of the collection will have to pay for light and heat. A budget rears its ugly head and, lo! Institutionalized!

I ask for a return to dialogue between the undergrounders and our ecclesiastical brick piles. We want our bright young ministers and priests to return, certainly not to conform but to suffer with us, exult with us, help us make the evolution of Sunday liturgies move a little faster. (Remember when organ music was avant-garde—nay, even heresy?) We want them to help us break through the surface amenities, minister to a compendium of complaints, help us unalienate the young, orient us to the prime movement of our lives and, above all, teach us what it means to be truly human.

BALTIMORE URGES ENACTMENT OF URBAN AND RURAL EDUCATION ACT

Mr. MURPHY. Mr. President, I have been placing in the RECORD endorsements that I have received from educators all over the country in support of S. 2625, the Urban and Rural Education Act of 1969.

I have received a letter from Superintendent Thomas D. Sheldon, of the Baltimore City public schools, saying:

The enactment of your bill will bring school districts such as Baltimore a step closer to full funding under ESEA and allow us to provide services that we know will work to improve the condition of so many of Baltimore's children.

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

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

BALTIMORE CITY PUBLIC SCHOOLS,
Baltimore, Md., August 20, 1969.

HON. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: We have read with a great deal of interest your Urban and Rural Education Act of 1969 and appreciate your asking for our responses to it.

That there is a need for appropriations in addition to funds currently received for the benefit of disadvantaged children there can be little doubt. Your remarks for the record reveal your clear understanding of that fact.

The per pupil expenditure in Baltimore under present ESEA-Title I appropriations is constantly diminishing at a time when costs are increasing at a rate of 8% to 10%. For FY 1969, the ESEA authorization for Baltimore City was \$16.8 million; the actual appropriation amounted to \$7.3 million, 44% of the authorized amount. For FY 1970, that gross appropriation will be further reduced to \$6.4 million, nearly \$1,000,000 lower than last year. This gap between authorization and appropriations together with the increasing number of children being served has worked to lower drastically the per pupil expenditure. In FY 1966, the first year of the program, we were able to spend \$241 per eligible child (28,287); in FY 1969, that sum was down to \$135 per child (54,121); for FY 1970, the projection is \$124 per child.

As regrettable as that steadily diminishing rate of expenditure is, it still presents a pic-

ture far better than the reality of our local situation. For FY 1969, the number of eligible children in Baltimore was 54,000, under current guidelines for determining eligibility. In fact, however, we know that well over 100,000 children in Baltimore City are entitled to receive the beneficial services of the kinds of ESEA-Title I programs that could be made available were there adequate financing. (The primary reason for this unfortunate situation is the reliance on the 1960 Census for defining "low income" families. Having to use this constant when all other elements are inconstant obviously adds to the difficulties of depressed areas such as are found in Baltimore.)

Your remarks in the RECORD contained an explicit reference to the "strenuous effort" made at the local level by the citizens of Baltimore. Not enough can be said about that effort, which resulted, for example, in overwhelming voter approval last November of the largest School Loan for construction in the United States, \$80,000,000. And Baltimore's financial difficulties are at least as severe as any large urban center in our country. Our citizens have demonstrated beyond doubt their willingness to sacrifice to the limits for their schools, but our needs outstrip their capacity to pay.

In the context of such data as shown above, your attempt to have added 30% of regular Title I funds in the first year (without pre-condition) and 40% thereafter (with State approval) for eligible districts can only be endorsed with the most sincere kind of hope. The enactment of your bill would bring school districts such as Baltimore a step closer to full funding under ESEA and allow us to provide services that we know will work to improve the condition of so many of Baltimore's children.

It may be of value to you to know that the National School Boards Association is presently working on proposals concerning the entire matter of federal funding for public education. The thinking of that organization has reached a stage of development where, I am sure, members of Congress will be receiving material related to their work. Perhaps that material will be of value to you as a result of your work with your Urban and Rural Education Act of 1969.

My best wishes to you on behalf of your effort to further improve public education in our country.

Sincerely,

THOMAS D. SHELDON,
Superintendent.

TOWARD MORE ADEQUATE SOCIAL SECURITY—I

Mr. WILLIAMS of New Jersey. Mr. President, with the announcement that the House Committee on Ways and Means will open hearings on the social security legislation later this month, it has become clear that the Congress will have an excellent opportunity to end inadequacies which have persisted for too long in that essential, but still imperfect, program.

As chairman of the Special Committee on Aging, I intend to offer on these pages within the next few weeks information and exhibits which arise primarily from that committee's study of the "Economics of Aging: Toward a Full Share in Abundance." The committee and its subcommittees, at hearings in Washington, D.C., and in the field, are gathering weighty evidence about the intensity and pervasiveness of a retirement income crisis in this Nation.

I believe that every American has a stake in the committee study, and I will

draw upon it heavily in the weeks to come.

The committee study is also mentioned in the exhibit I offer today for the RECORD. It is a letter expressing the views of the AFL-CIO in regard to the inadequate and off-target social security proposals offered by President Nixon in draft legislation submitted on September 30. I believe that Mr. Bert Seidman has offered a cogent and timely analysis of the deficiencies in the administration proposal. I ask unanimous consent that his letter be printed in the RECORD.

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

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, D.C., September 29, 1969.

HON. HARRISON WILLIAMS,
Chairman, Senate Special Committee on Aging, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I am writing to convey to you the views of the AFL-CIO on pending proposals for social security changes.

Recently, the Administration recommended a 10% increase in benefits to be effective April 1, 1970. From February 1968, the date of the last social security increase, to August 1969, the consumer price index rose by 8.1%. Thus, a 10% increase will not even close the cost of living gap and will once again leave social security beneficiaries the victims of rising living costs.

The Administration proposal did include a recommendation for adjusting benefits automatically in accordance with increases in the cost of living. Though keeping purchasing power up-to-date, such a provision would do nothing to raise present low benefits to a level of adequacy. What is needed is major improvements in the benefit structure before adoption of a cost of living escalator clause in order to avoid the danger of condemning most beneficiaries to a permanent and inadequate low level of benefits.

In addition, even if benefits were kept in line with the cost of living, there would be a gradual worsening of retirement benefits relative to earnings, since earnings grow in accordance with the overall growth of the economy whereas benefits do not reflect such gains from growth. For as your Committee pointed out, in its excellent report, "The Economics of Aging," the gap between the incomes and living standards of older people and those of the rest of the population is getting worse rather than better.

Fortunately, the prospects are good for passage of a social security bill that will provide a higher benefit increase and other improvements not recommended by the Administration. These favorable prospects are due in large measure to your leadership and the efforts of the Senate Special Committee on Aging to highlight and document the plight of our elderly population and to chart the course on what needs to be done.

The AFL-CIO, its members, and retirees appreciate your efforts and we expect in the years ahead to be one of your strongest allies in the fight to bring economic justice and dignity to our senior citizens.

Kindest personal regards.

Sincerely,

BERT SEIDMAN,

Director, Department of Social Security.

BUSINESS EXECUTIVES MOVE FOR
VIETNAM PEACE

Mr. McGOVERN. Mr. President, I invite the attention of Members of Congress to the statement of J. Sinclair Armstrong, on behalf of Business Executives Move for Vietnam Peace—the testimony of Mr. Armstrong before the Committee

on Appropriations of the U.S. Senate on September 25.

I ask unanimous consent that Mr. Armstrong's testimony be printed in the RECORD.

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

BUSINESS EXECUTIVES MOVE FOR
VIETNAM PEACE

Statement of J. Sinclair Armstrong, 45 Wall Street, New York, N.Y., 10005, on behalf of Business Executives Move for Vietnam Peace, on the Appropriation Request for the Vietnam War

Business Executives Move for Vietnam Peace is an organization of 2,600 owners and executives of American business corporations in forty-nine states who seek by open and lawful means to bring about an end of U.S. participation in the War in Vietnam.

We commenced our activity in September, 1967, spurred by several members of the Senate, who asked us, amid all the groups crying out against the U.S. bombing and fighting in Vietnam, "Where are the businessmen?"

We are executives and owners of American business corporations. The men in our group have great responsibility for management of wealth, operation of business, provision of employment, and an evergrowing concern and responsibility for our communities and our country.

My own business experience is in law and finance, and includes four years of service as Commissioner (two as Chairman) of the Securities and Exchange Commission, two as Assistant Secretary of the Navy for Financial Management, and ten in my present position as Executive Vice President of the United States Trust Company of New York (for whose official views I do not purport to speak on this occasion).

As executives and owners of American business, our numbers are small, but we notice an expansion of interest in our cause and an increase in our membership this year. As the War which America repudiated in 1968 continues full of fight through 1969, there is little evidence of progress in negotiations with the governments and fighting organizations involved on either side.

As business executives, we see the War as unwinnable. As financiers, we see the destabilization of our domestic and international finances that it has brought about.

As citizens in our home communities, we see the blight that its excess costs visits on us in curtailment of resources for housing, education, health facilities, mass transport facilities, and productive employment.

As taxpayers, we feel the burden of its cost—the surtax, recently re-enacted—and the proposed repeal of the tax credit for investment in capital equipment by which goods are produced and America is kept modern.

We see the enormous cost of restrictive monetary and fiscal measures, and the record high interest rates—7½% on U.S. Treasury Notes—and curtailment of availability of credit, with the resulting drastic curtailment of vital housing and other construction.

We feel the inflation, the monthly increases in the cost of living, steadily up half of one per cent a month, with no end in sight. In my testimony before the Defense Subcommittee of the Committee on Appropriations of the House of Representatives on June 9, (which appeared in the Congressional Record, June 18, 1969), I mentioned the destabilizing effect of the excessive Vietnam and other defense costs, and predicted that, if they continued, there might have to be direct wage and price controls and allocation of materials.

Several days later, the Secretary of the Treasury mentioned this possibility. After that, President Nixon said "no" to wage and price controls. But how else, except by cur-

tailed of war spending, can inflation be curtailed? Tight money and surtax have not succeeded.

A wise leader of organized labor, George Meany, recently returned to the wage and price control theme. Neither he, nor the President, nor we Business Executives believe that that course would be good for America. The economics of the situation tell us that the Vietnam War should be ended now, in the vital interests of our free American society.

The appropriation request for Southeast Asia operations

The Budget of the U.S., FY 1970, pages 73 and 74, states \$23,025 million as recommended budget authority ("NOA") for "special Southeast Asia" and \$25,733 million (including \$336 million "economic assistance") outlays for special Southeast Asia in FY 1970, and military personnel in Southeast Asia, 639,000 in FY 1970.

Secretary of Defense Clifford's Defense Budget and Posture Statement, delivered to the Congress in January of this year, which has not been changed by Secretary Laird so far as we know, calls for the level of operations and personnel requested in the FY 1970 Budget document, for Southeast Asia. Nor do we know whether any budget changes have been made since the President's recent troop withdrawal decisions. We are advised that no action in the House Committee has yet been taken.

Business Executives Move for Vietnam Peace urge this Committee to reject the request for NOA of \$23 billion and rescind obligatory authority heretofore granted to spend \$25.73 billion on the Vietnam War in FY 1970.

We urge this Committee to hand this request back to the Administration, and to require a new estimate based on a planned, phased, complete withdrawal from Vietnam of all U.S. forces beginning at once.

We do not have sufficient detailed data nor any staff to estimate precisely what this reduced amount should be. In view of the diverse considerations involved in such a withdrawal and the difficulty of making a precise estimate of its cost (recalling my own experience as Assistant Secretary of the Navy for Financial Management and Comptroller of the Navy), I believe that \$12.5 billion is a prudent estimate of the cost savings that could have been achieved this fiscal year if a start had been made. As a quarter of the fiscal year has run, \$10 billion is a prudent estimate of achievable savings in FY 1970 if the War ended now.

In his article in the October 1969 issue of "Foreign Affairs" magazine (p. 52), Representative Jonathan B. Bingham refers to "experts" who proceed "on the assumption that an end to the War might produce savings of about \$20 billion annually after two years."

We Business Executives urge this Committee to start now, by cutting the appropriation.

THE VITAL INTERESTS OF THE UNITED STATES
CALL FOR PEACE IN VIETNAM NOW

The U.S. has no vital strategic or economic interest in Vietnam. That tiny country is no threat to U.S. security. We continue to waste our resources—men and materials—there for no vital security reason.

The President recently said that the time for ending the Vietnam War is now. So let us begin with the appropriation, for the War cannot go on without the money taxed from our people and appropriated by the Congress.

We Business Executives see little progress on the military or diplomatic fronts. The U.S. stated condition of peace is free elections in Vietnam, supervised by an international authority. We are business executives, not diplomats, by profession. But we believe that North Vietnam will not accept that condition, in the light of U.S. failure to follow through on the similar 1954 commitment. Peace will wait a long time if the U.S. waits

for supervised elections—Western style—in that rural Asian country. What is needed is a broadening of the Saigon regime and then a true coalition government of all Vietnam parties to the conflict.

We believe that the only course that will bring this about is announced, complete, total U.S. withdrawal, beginning now. Only then will the recently narrowed South Vietnam Government be broadened. Only then will it have to enter into coalition and make peace.

President Nixon could be a great President if he would act to bring this about. Former President DeGaulle's withdrawal of French forces from Algeria led to a decade of French greatness. World opinion, of our allies, neutral states, the great leaders of the U.N., such as U Thant, and of religion, such as Pope Paul, would acclaim the President, should he do the same for the U.S. in Vietnam. Congress should spur him on, encouraging him, support him, in his effort to end the War now.

We Business Executives are not encouraged by recent events.

Many of America's business leaders have lost faith in our country's ability to solve our problems. The Vietnam War keeps us from confronting the domestic crisis which has split the country. Young people cease to respect our generation when we offer them no way out of a useless, unwinnable war, but expect them to fight and die in it.

And what a terrible waste of our most vital national asset—our young men—it is, with 45,000 killed and missing, and 250,000 wounded, and the pace of casualties continuing well over a thousand a week. A country that alienates its most sensitive, highly trained, and productive youth is critically weak.

We Business Executives believe that the failure of our Government to take the necessary measures to end the War signals weakness. The recent decline of stocks and bonds in the securities market—a drastic drop this year—directly reflects lack of confidence among businessmen and the investing public in the ability of our Government to end the War.

The Administration seems to pursue a two-faced policy on Vietnam. One face is set towards Hanoi. Secretary Laird stated in a recent interview in Time Magazine that the U.S. strategy is to reduce our forces in Vietnam to about 250,000 and keep them out of combat as much as possible to "quiet dissent".

With domestic opposition adequately "managed," the Administration seems to hope that it can convince North Vietnam that it is able to wait indefinitely for a peace offer that will be acceptable to the Thieu Government of South Vietnam. In other words, the U.S. will sit in Vietnam a decade or more waiting for the North and Vietcong to admit defeat. The other face we see in the news and on the television screen at home. That face tells us that the war is proceeding to an orderly solution. The withdrawal of a few troops, hints of progress at the negotiations, and a temporary suspension of the draft seem to be part of a carefully orchestrated plan to convince Americans that we are on the track towards a rapid end of the War.

We Business Executives doubt that this strategy can end the War and thereby help cure inflation and the other adverse economic consequences of the War. The Administration's strategy fails to confront the three stubborn central facts:

1. There can be no negotiated settlement unless the present Saigon government is significantly broadened. In recent weeks it has been narrowed and the hold of General Thieu and the other military leaders has been strengthened.

2. Troop withdrawals have little overall significance unless they are rapid and deep. General Thieu has said publicly that his

government cannot survive if the rate of withdrawal proceeds at any faster pace.

3. As long as U.S. policy continues to underwrite the Thieu regime and insists upon a settlement that the South Vietnam generals will accept, North Vietnam and the NLF are furnished no inducement to make peace, and have no alternative but to continue the War.

Business Executives appeal to the Congress to end this stalemate. The making of War is Congress's responsibility.

The Congress has the power to "lay and collect taxes", "to provide for the common defense", "to raise and support armies", and "to declare war" (none has been declared against Vietnam). U.S. Constitution, Article I, Section 8, "Powers of the Congress."

The President is "Commander-in-Chief of the Army and Navy" and "shall from time to time give to the Congress information on the state of the union and recommend to their consideration such measures as he shall judge necessary and expedient". Article II, Sections 2 and 3.

Constitutional responsibility for the War clearly falls on the Congress.

The decisions of the Congress on whether to continue the Vietnam War will have vital implications for the future. If the Congress says "no" to continuing the War, and denies the appropriations for it, free enterprise in a free economy will survive and prosper in America.

So we, Business Executives Move for Vietnam Peace, urge the Congress to review the Defense Posture and Budget for FY 1970 and revise the Budget so as to cut out the appropriations with which to continue the Vietnam War. We urge this in the vital interests of the United States.

A HAPPY ENDING

Mr. GRIFFIN. Mr. President, some time ago I commented on the Senate floor about the difficulty of a new administration obtaining control of the machinery of government.

In connection with those remarks I placed in the RECORD three articles written by Mr. Willard Edwards, the distinguished columnist of the Chicago Tribune, dealing with a State Department matter.

There has been a happy ending to the story Mr. Edwards recounted. I ask unanimous consent that another column by Mr. Edwards, published in the Chicago Tribune of October 7, be printed in the RECORD.

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

HARASSMENT STORY ENDS HAPPILY

(By Willard Edwards)

WASHINGTON, October 6.—Happy endings to stories of federal employe harassment are rare.

It is comforting, therefore, to report that the Nixon administration has rectified the shameful injustice accorded a distinguished state department career officer just before the Johnson administration left office last January.

The subsequent ordeal of John D. Hemenway, 42, former chief of the Berlin section, was described in this space some weeks ago. Fired Jan. 17, 1969, he spent more than eight months fighting for his rights. He has now won the battle altho hold-over state department officials resisted him to the end.

Hemenway reported for duty today as special assistant to Warren G. Nutter, assistant secretary of defense for international security affairs. The post carries a higher grade than the one from which he was ousted and an increase in salary from \$18,974 to \$21,589.

Much more important, to Hemenway, is the cope of his new duties, affording him the display of talents which earned him official evaluation during a long career as a matter of the complexities of German affairs. The shift from Foggy Bottom to the Pentagon, he feels, is like leaving darkness for light, tangled intrigue for constructive effort.

The documented record is abundantly clear that Hemenway was dismissed as a foreign service officer because of ideological disputes with two superiors, Alfred Puhani, now ambassador to Hungary, and Alexander C. Johnpoll, acting director of German affairs.

They did not share his views of communist designs in Europe and were resentful when, in several instances, his prescience was demonstrated by following events. When the then United States ambassador to Germany, George C. McGhee, and the present minister in Berlin, Brewster Morris, strongly recommended Hemenway's promotion, they were ignored.

Instead of promotion, Hemenway was given notice of dismissal without retirement annuities after 24 years in government, counting his military service.

In one of his last acts in office, Secretary of State Dean Rusk indorsed the discharge, upholding findings that Hemenway, despite a brilliant record, had been "aggressive and tenacious" in presenting his views, an attitude deemed intolerable under the state department code.

When complaints from Congress about this outrage were sent to the White House last July, they first were relayed to the state department, which promptly responded that Hemenway had been given a fair hearing and no injustice could be found.

Then the case came to the attention of Clark Mollenhoff, deputy counsel to the President, a celebrated journalist recently enlisted by Nixon as a trouble-shooter. Mollenhoff has a low boiling point when he encounters inequities. He made an exhaustive inquiry and reached the conclusion that a dedicated public servant had been victimized for honest policy differences with his superiors.

As in the case of Otto F. Otepka, another victim of state department intrigue, it was evident that reinstatement in the state department was not the answer. An entrenched bureaucracy continues to wield power there. An officer, reinstated over its protests, would be reduced to futility.

Finally, the defense department post was located. It offered Hemenway an opportunity to serve his country in a field where his skills are outstanding.

For him, personally, it is a happy outcome. But another aspect of this case is less pleasing. The state department had triumphed again, as it did with Otepka, in ridding itself of a courageous and talented officer who would not conform.

INCREASES IN OIL AND GASOLINE PRICES

Mr. KENNEDY. Mr. President, I have received a great many requests for copies of my correspondence with the Director of the Office of Emergency Preparedness regarding the recent increases in the price of oil and gasoline. This correspondence provides important insights into the administration of the oil import program. I therefore ask unanimous consent that it be printed in the RECORD.

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

SEPTEMBER 5, 1969.

Mr. GEORGE A. LINCOLN, Director, Office of Emergency Preparedness, Executive Office Building, Washington, D.C.

DEAR MR. LINCOLN: On March 5, 1969, I wrote to President Nixon requesting him to

inform me what measures his administration was taking with regard to the substantial increases in the price of gasoline and crude oil. I pointed out that "under Section 6a of Presidential Proclamation 3279, as amended, which established the oil import program, the Office of Emergency Planning (now Office of Emergency Preparedness) is required to maintain surveillance over the program and 'in the event prices of crude oil or its products or derivatives should be increased . . . such surveillance shall include a determination as to whether such increase or increases are necessary to accomplish the national security objectives' of the applicable statute and order." I specifically asked the President: "Has the OEP, in accordance with its duties under the law and proclamation, begun its determination as to whether the price rises are 'necessary' in the interests of national security? Has it reached a conclusion, and if so, what conclusion? What steps will be taken if the rises are found not to be 'necessary'?"

Mr. Bryce Harlow, Special Assistant to the President, replied on behalf of the Administration on March 19. He stated that the Director of the OEP was required to determine "whether increases in the price of crude oil, its products, and derivatives are necessary to achieve the national security objectives of the proclamation and the applicable statute. After consultation with the Secretaries of State, Defense, Treasury, Commerce, Labor and Interior, the Director is required to inform the President of circumstances which in his opinion indicate the need for further Presidential action. The Director will meet his responsibility of advising the President with respect to the current gasoline and crude oil price situation after consulting with the Secretaries named above if, in his opinion, the facts so warrant. In addition, the Office of Emergency Preparedness will naturally take part in the announced over-all review of the Oil Import Program."

In short, Mr. Harlow made it clear that the OEP could not simply await the findings of the Cabinet Task Force on Mandatory Import Controls but must make an immediate investigation of the recent price rises. Accordingly, I am now writing to inquire what action your Office has taken to determine whether the recent increases were "necessary to accomplish the national security objectives" of Presidential Proclamation 3279. I would like to know what consultations have been made with the Cabinet officers concerned and what conclusions have been reached. In view of the time which has elapsed since my original inquiry, I would appreciate your response as soon as possible.

I thank you for your assistance.

Sincerely,

EDWARD M. KENNEDY.

SEPTEMBER 17, 1969.

DEAR SENATOR KENNEDY: This is in response to your inquiry received September 5 regarding your March 5, 1969, letter to President Nixon concerning oil prices. Mr. Bryce N. Harlow's reply called attention to the comprehensive review of oil import controls and to the Office of Emergency Preparedness surveillance responsibility.

Many of the factors going into the overall study are also important for our surveillance. This relationship is especially significant because of the long period during which the oil import policy had not been subject to a basic review.

As of the beginning of September, available figures indicate that much of the gasoline price increases between January and March have been eliminated. According to OIL DAILY, the wholesale price of regular gasoline went from 16.6¢ a gallon in January to 17.7¢ in March and to 17¢ in September. Platt's Oilgram reported 16.9¢ for January, 17.4¢ for March, and 16.8¢ for August. Its September information is not available yet.

Average service station prices of regular gasoline, taxes excluded, had a similar pattern. The Oil and Gas Journal reported 23.1¢ for January, 23.9¢ for March, and 23.5¢ for September. Oil Daily had 22.9¢ for January, 24.4¢ for March, and 23.5¢ for September. Platt's Oilgram had 23.5¢ for January, 24.3¢ for March, and 23.5¢ for August.

The surveillance of the program is a continuing one, and this reply should not be regarded as indicating a curtailment of that effort. However, recent price changes have not been such as to support a finding on which a recommendation to the Cabinet officers could be developed.

Sincerely,

G. A. LINCOLN,
Director.

SEPTEMBER 26, 1969.

Mr. G. A. LINCOLN,
Director, Office of Emergency Preparedness,
Executive Office Building Annex, Wash-
ington, D.C.

DEAR MR. LINCOLN: Thank you for your response to my inquiry of September 5. I am delighted to learn that the OEP is maintaining surveillance of gasoline prices and that these prices have apparently declined since March 1969. However, your response made no mention of crude oil prices. Since my letter to President Nixon in March 1969 and my letter to you expressly referred to price increases in crude oil, I had expected you to deal with that matter.

It is my understanding that the substantial increases in March have not been rolled back. I therefore request that you provide me with the results of your surveillance of crude oil prices as soon as possible.

Sincerely,

EDWARD M. KENNEDY.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF EMERGENCY PREPARED-
NESS,

Washington, D.C., October 3, 1969.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in response to your letter of September 26, 1969 concerning crude oil. Crude oil prices have not receded significantly from the increased level reached earlier this year. As seen in the attached table, the U.S. Bureau of Labor Statistics Wholesale Price Index (1957-59 equals 100) recorded crude oil in January 1969 at 99.7. Crude oil rose to 104.8 in April, and was 104.5 in August. The second column of the table lists the Wholesale Price Index for all industrial commodities. This indicator was 112.8 in August as compared with 110.9 in January 1969.

Looking at longer time frames, the August 1969 crude oil price index was 7.5 percent above the average for 1960, the first full year of the control program. In that period, the Wholesale Price Index for all industrial commodities increased 11.4 percent. Since 1966 the year before the most recent oil emergency, the crude oil price index increased 7.2 percent, and the price index for all industrial commodities increased 7.7 percent.

The current study by the Cabinet Task Force on Oil Import Control is the first general review of oil import policy undertaken in many years. I anticipate that in the course of this review there will be developed additional material useful to me in the performance of my responsibility for surveillance. Meanwhile, the price trends for gasoline and crude oil have not by themselves made possible an evaluation of their relationship to the national security.

I am mindful that the surveillance responsibility is a continuing one and assure you that it is given careful attention.

Sincerely,

G. A. LINCOLN,
Director.

[Attachment]
WHOLESALE PRICE INDEXES; U.S. BUREAU OF LABOR
STATISTICS—CONTINUED

[1957-59=100]

	Crude oil	All industrial commodities
1954	91.0	90.4
1955	91.1	92.4
1956	91.6	96.5
1957	101.0	99.2
1958	101.2	99.5
1959	97.8	101.3
1960	97.2	101.3
1961	97.5	100.8
1962	97.0	100.8
1963	97.3	100.7
1964	96.9	101.2
1965	96.8	102.5
1966	97.5	104.7
1967	98.6	106.3
1968	99.4	109.0
1969		
January	99.7	110.9
February	99.9	111.4
March	103.7	112.0
April	104.8	112.1
May	104.7	112.2
June	104.5	112.2
July	104.5	112.4
August	104.5	112.8

THE WHITE REACTION

Mr. BYRD of West Virginia. Mr. President, in the third article of a five-part series, the Evening Star of Washington examined the reactions of whites in Los Angeles to the growing demands of black militants. The article, which appeared Wednesday, October 8, states:

Whites generally believe that separate societies are the way things are—and will be for the foreseeable future.

This article, as the two before it, tells of the deep frustrations felt by America's white majority—a majority which shoulders the heaviest portion of the tax burden, but which now feels alienated from the Government it supports.

Reporter John Mathews, the author of this part of the series, notes that—

Government has responded to riots with an outpouring of new facilities and services.

He adds that attitudes among the races are nonetheless, "changing for the worse."

I ask unanimous consent that the third article in this series be printed in the RECORD.

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

THE WHITE REACTION

(By John Mathews)

LOS ANGELES.—A year and a half ago, the President's riot commission warned that "our nation is moving toward two societies, one black, one white—separate and unequal." That prediction is rapidly becoming reality here in America's most endless metropolises.

Whether whites are unabashedly racist, passively moderate or liberal, one common belief prevails in this city where the pressure cooker that is urban America first blew its cover four years ago in the Watts riot.

Whites generally believe that separate societies are the way things are—and will be for the foreseeable future.

While the riot commission's warning of a black-white division is well on the way to being realized, Los Angeles has gone even beyond that pessimistic prophecy. The city and the county that take pride in being the most racially heterogeneous area in the 50 states—with the exception of Hawaii—actually encompass more than two societies. Los Angeles exists as well with a separate

brown society of Spanish-speaking Americans, a yellow society of Oriental-Americans, and a red society of American Indians, plus many subgroups.

But the black-white breach, like that in other cities, is the cutting edge here. "They live over there and we live over here," was the way a factory worker in the blue-collar suburb of Southgate characterized life in Los Angeles.

"Over there," separated from his community by an industrial buffer zone lining Alameda Street and only a mile away, is the Negro section of Watts. Just south of it is the city of Compton, a community in which blacks are a majority.

Among community leaders and officials anxious to defuse this movement toward irrevocably separate societies, gloomy resignation is the order of the day.

"I don't see integration in my lifetime," said Thomas Bradley, the Negro city councilman who failed to unseat Mayor Sam Yorty last May after a campaign charged with racial issues. "Some whites are open and flexible and willing to meet the change which is coming in this country, but another element is sort of teetering. This is the element that is capable of being frightened. . . . They made the difference in my election."

A veteran worker in the field of race relations, Julius M. Klein, deputy director of the Los Angeles County Commission on Human Relations, thinks that government has responded to riots with an outpouring of new facilities and services into Watts. But attitudes are changing for the worse. "There's been increased polarization: Whites who are opposed are more crystallized in their opposition and minorities are vocal," he said.

That doesn't mean every white Angeleno is fired up by the racial situation. Such an impression would be grossly misleading. In this land of endless summer—and instant winter less than an hour's drive away in the mountains—many people are immersed in their own lives and insulated from the realities of city life. To them, racial issues are faint abstractions.

But the uninvolved and the untouched are the real outsiders here. For the dominant white majority in this booming county of 7.5 million people, race is as immediate and personal as the smog that stings their eyes.

Perhaps the most dramatic sign of change comes from one group, the white liberals. Many of those veterans of nearly forgotten campaigns for fair housing legislation and other instant racial remedies today are attempting to reconcile their principles with the reality of their personal lives.

Where they live and send their children to school is part of that dilemma. West of Watts is such an area.

Across the Harbor Freeway that links the city with San Pedro and the bustling port of Los Angeles, blacks are buying homes in the upper-\$20,000 to lower-\$30,000 price range. In time, blacks undoubtedly will be the majority there. Already, whites are leaving. Scattered "for sale" signs can be seen imbedded in the thick carpets of carefully edged and trimmed dichondra lawns.

On a quiet street in the Morningside Park section of Inglewood, one white tells about his changing neighborhood. He's a former social studies teacher in his early 30s. For seven years, he's tried to make integration succeed in his community. He hasn't put out his "For Sale" sign yet, but he plans to within the year.

"You know, many of the liberals who agonized the most were among the first to leave. We've lived here much longer than most people our age do and we would move in any case. But frankly, I have no intention of living in a black ghetto.

"What has happened here is that desegregation took place, but integration didn't. But why should we be able to accomplish something no one else in any other area of the country has been able to accomplish?"

A young liberal, who is now getting his

doctorate in political science and is launching a new firm with friends to provide expertise on urban problems—including integration—has two children in the neighborhood elementary school—now more than 70 percent Negro. "The school is fine," he says. "My daughter won the citywide spelling bee and the runner-up was a Negro boy also from her school." But, he adds, the situation in the junior and senior high schools is different.

"The black kids come from awful substandard schools and then are lumped together. (The city school board turned down a plan recently to eliminate de facto segregated secondary schools.) The teachers don't know how to react. The white kids feel the black kids are favored and the black kids feel they are discriminated against—and they are both probably right."

Leafing through his files to find documents detailing the yearly changes in his community, he reflects on one aspect of the early stages of integration that is peculiarly the liberal's dilemma.

Many black children have had an inferior education or don't get the extra educational support at home that many white children profit from, he says.

The result: "My kids are getting a good education, but the social experience is a mixed bag. If the experience of the white child is constantly that he is superior, he gets an inflated sense of his own superiority and a distorted view of what Negro children are like. There's a small elite development at Judy's school and unfortunately it's disproportionately white."

Back up the freeway in his downtown office, a liberal lawyer, who has moved from his Monterey Park section where Japanese and Chinese-Americans are the incoming minority, supplies a common local definition for racial integration: "Integration is the time between the first Negro moving in the neighborhood and the last white moving out."

"It's terrible," he says. "Whites are going to keep on running and they are not going to let themselves be taxed to support the Negro population explosion. They won't even support the white population explosion." He gives as his reason for moving out of Monterey Park the rejection of a school bond issue, engineered mainly by older and retired whites within the community.

In a flight of legalistic fancy, he says, "The only way to integrate may be a law that no block or any city can have more than a certain percentage of a minority. That may sound unconstitutional, but if you want integration, then you have to make it constitutional."

Like many liberals immune from direct personal contact with the problems of racial integration, the lawyer is searching for involvement in what he considers meaningful social causes.

"The reason liberals hated Lyndon Johnson was that he took away all their old causes, like civil rights acts, federal school aid, medicare. We fought for fair housing, got it, then lost it here in California, but on a national basis it's established. I'm working on public transportation now. I did a study and even got a certificate of appreciation from Mayor Yorty" (which he takes off the wall to show the visitor).

As liberals learn to live with their dilemmas, other whites also look warily at the outward movement of blacks from Watts and Compton and of Spanish-Americans from the barrios of East Los Angeles.

Most whites are able to retreat from a transitional area and to regroup in another insulated white suburb. In Inglewood again, an angry white woman in a Spanish-style stucco house typifies the panic aspect of white flight.

Moments after answering her door chimes, she launches into a string of racial epithets and stereotypes about her new neighbors, punctuating her narrative with "they . . . they . . . they . . ."

"It begun in 1962 when they began moving in," she says. "This was a beautiful neighborhood. We worked like dogs to get good schools and you should see them now. All the good teachers are leaving. The principal quit last year . . ."

"We never had racism here. Why Watts started I'll never know . . . I've been broken into four times since that riot. My car was stolen and they used it in a robbery. On July 6, they broke in through my kitchen—walked right over the begonias—took my TV and all my jewelry. I'm scared they'll start drilling a hole and come through the roof."

She ends the conversation. "You bet I'm selling and I'm moving to any place where it's all white, like Glendale," a suburb in the hills north of the city.

Ironically, the white exodus serves as something of a racial safety valve preventing drawn-out tensions. But there are whites with limited incomes and younger families where the breadwinner is just beginning the tortuous seniority ladder who are not as mobile. Here lies the potential for volatile racial friction. Jesse Unruh, the state's leading Democrat and likely challenger next November to the state's conservative Republican Gov. Ronald Reagan, described the situation of the blue-collar white this way:

"The white majority is all over the lot. I don't think it's just racism, but the people feel threatened in many ways . . . People feel the tax bite, particularly the guy on the periphery of the ghetto, who can't sell his house and sees the schools deteriorate.

"This guy sees his tax money taken, then turns on the TV set and there's a black militant with a beard leading a campus riot or people throwing bricks through windows.

"He's really got something to be scared about, because he just made it himself. He's got two kids, probably two jobs. His wife works too and every time taxes go up, he feels it. Medicaid doesn't benefit him because he's just above the poverty level, and that's true of other government programs.

"Then he hears, what I like to call the 'hilltop liberals' tell him he should be tolerant and understanding and be willing to give more of his taxes to take care of minority problems."

Lower-income whites do feel an economic squeeze here, but the economy, compared to other industrial cities, is one of abundance and plentiful employment. Blue-collar whites see many more black, brown and yellow faces now on their production lines, but they do not yet feel their jobs are threatened by quota systems or militant campaigns to increase minority workers.

In fact, if there is one positive aspect to be found in the racial situation here, it is a general acknowledgement, cutting across class lines that minorities in the past have been discriminated against in the job market. Now, they should be given a fair shake—to a point.

An engineer approaching retirement, who worries about street crimes and housebreaks in his West Inglewood neighborhood, actually defended riots when asked about minority employment. "It's unfortunate we had to have lots of riots, like the one in Watts, to make people wake up. I think they've had a positive effect, because they've awakened the general public and lawmakers that if a colored person is qualified, he should get a job."

But in another breath he makes clear that equal employment opportunity can be pushed too far. "What gets me is that every time you turn around, you've got to hire colored. My office had four colored secretaries and only one was any good. When it came to firing them, like you do the white girls, they cried prejudice, discrimination."

Other whites in other areas, only a short freeway ride from the central city, are not so aroused. The farther removed from the Negro, the less the racial antagonism—or even concern—over social issues.

About 15 miles from downtown Los Angeles, up in the rough, scrubby foothills of the Verdugo Mountains where the smog days are few and far between and the houses in the community of Glendale perch precariously over the ridges, a young mother in her mid-30s mows her lawn. She is the classic California beauty with her sunbleached hair and her aggressively healthy, athletic figure.

"I really live for my family and my house," she says. "I worked for 20 years and now I'm retired from that world." Questions about race relations and social problems are gently turned away with talk of coyotes, rattlers, raccoons and 12 varieties of hummingbirds that inhabit her hillside retreat. When she is asked for whom she voted in the presidential election, she pauses and replies, "Which election do you mean?"

To the east in the lush suburb of San Marino, a pleasant woman who lives in an opulent house of sleek modern design with a facade that stretches at least 100 feet on a quietly elegant street, has definite opinions. "The colored people," she says, "are very grateful for the opportunities they have been given in the last few years. We all know they were denied opportunities in the past. I'm perfectly willing to give them a fair shake. . . . I've never discriminated against help in my house. It's just these subversives who are creating discrimination. It really doesn't exist."

Asked her opinion of the state of relations between the races, she answers: "I have this friend who was in the knit shop with me the other day. Her chauffeur drove her down, a really lovely, lovely chauffeur . . . and she said something like, Darling John will be back to get me. It was beautiful, this type of rapport."

A neighbor on a nearby street, where the \$100,000-and-up houses are surrounded by handsome live oaks, magnolia, palm trees and varieties of tropical and semi-tropical plants, has a somewhat more realistic view of the world. She speaks of race and other issues that agitate whites, regardless of income groups—issues like campus unrest, the generational conflict and taxes.

"The generation gap only exists because all those professors are telling children that their parents are squares, a bunch of jerks," she says. "You know, we have drugs right here in San Marino High School. If I had a child now, I'd be scared to let him go to school, any school."

She regards the tax system and inflation as great levelers, insidious instruments designed to eliminate class distinctions. "What's going to happen to all these beautiful homes? We were able to accumulate money over the years to get all of this, but how are the young people going to be able to do it?" she asks.

"My husband works like a dog just to pay his taxes and I can't get anyone to work for me for less than \$25 a day," she continues. "I'd say only one half of 1 percent of the people around here have live-in help and most women do their own house cleaning, even washing all those windows."

A thoughtful lawyer downtown has a more global view of the malaise afflicting his neighbors up in the hills. "It's not just the black revolution my generation is scared to death about," he says. "But, it's the youth revolution, the sex revolution, the woman revolution. It's a revolution taking place in the relationships between people."

For him, the conflict between generations gets down to basic goals. "My generation wanted security; we were the depression babies. This generation, because they have the pill and affluence, want freedom."

What the new generation of whites does with that freedom is not yet known. Its predecessors have exercised their freedom as a freedom of choice: the right to live in separate societies of their own choosing.

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.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969

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. 12829) to provide an extension of the interest equalization tax, and for other purposes.

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

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

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that Mr. William Mooney, a member of our staff, be granted the privilege of the floor during the debate on this amendment.

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

Mr. BENNETT. Mr. President, as the chief sponsor of S. 2718, I appreciate this opportunity to explain the amendment to H.R. 12829, dealing with ammunition recordkeeping. It may interest my colleagues to know that I do not own a firearm and, in fact, have not fired one in more than 30 years. I am not a member of the National Rifle Association or any other group which may have a special interest in this legislation. I am, however, interested in justice for America's law-abiding sportsmen.

My amendment is sponsored by 47 Senators, and reflects, I think, a nationwide feeling that, in 1968, Congress enacted an unnecessary and unworkable provision dealing with sporting ammunition.

I am sure the opponents of the bill will point out that the Senate has already considered and defeated similar, although not identical, legislation last year. It will be argued that hearings have not been held on my bill and that the Judiciary Committee, which had jurisdiction last year, has not been involved.

In September 1968, the Senate did reject by a 41-to-36 vote a Judiciary Committee amendment to redefine ammunition in the 1968 Gun Control Act to exclude shotgun, rifle, and .22-caliber rim-fire ammunition. This, however, is a new Congress, and Treasury has administered this part of the 1968 Gun Control Act for almost a year. I should point out further that there are several new Senators in this body who may have differing views on this issue. Finally, I wish to emphasize the fact that eight Senators who last year voted against the committee amendment have decided to cosponsor my bill this year. In other words, if the same Senate lineup existed today as we

had on September 16, 1968, the vote would be 44 to 33 in favor of the amendment, a fact which I think reflects a realization that the present law has been proved unworkable and that it should be changed.

Extensive hearings were held last year on the gun control legislation. I think the Senate knows what the issues are, and I see no need at this time for additional hearings on a subject which every Senator understands.

I submit, Mr. President, that the ammunition registration provisions of the 1968 gun control law do not work. Let me explain why.

Under the law, recordkeeping on ammunition requires that a dealer record the following information: The date, manufacturer, caliber, gage or type of component, quantity, name, address, date of birth, driver's license, or other means of identification. In other words, there are eight or nine separate pieces of information which a sportsman must give if he is to buy a box of shotgun shells or other sporting ammunition.

The dealer who must retain this information for 2 years is not required to pass it on to the Federal Government. He must hold it for examination by Federal agents, although, I am told, nothing is really accomplished by examining the dealer's ammunition record. I can understand this. I have seen the form. The dealer uses a bound book with a series of lines on each page; and as his customers come in, they fill out their personal information on the first blank line. So there is no opportunity to rearrange the information alphabetically or any other way; and if anybody really started out to try to locate the particular purchase of ammunition, he would have a real job on his hands.

Let us now examine for a moment the futility of ammunition registration requirements. A firearm has a number. It can be checked and traced from the manufacturer through the retailer to the initial purchaser. The Treasury Department has indicated that the firearms provisions in the 1968 act have been helpful. On the other hand, an ammunition cartridge has no serial number and cannot be traced in the same way a firearm can. Perhaps we could put serial numbers on ammunition. Maybe we should. If such a serial number were to be put on every piece of ammunition, certainly it could not survive the firing, and therefore checking back would be impossible. However, even if we could, we would soon run out of workable numbers, since this Nation produced almost 6 billion rounds of civilian-type ammunition last year, and I am not including the ammunition used for military purposes. It would take several thousand more employees in the Alcohol, Tobacco, and Firearms Division of IRS to go through these records and check the registration against the records before the dealers store them away.

The matter is further complicated, and I think Congress failed to appreciate this fact last year, when we consider that on the average 300,000 separate ammunition transactions take place each day in the United States. This repre-

sents some 109,500,000 transactions annually on sales of 5.9 billion rounds to be recorded by the Nation's 143,903 licensed dealers. Assuming that each transaction takes about 2 minutes, this represents approximately 365,000 man-hours, or 15,208 man-days expended by ammunition dealers annually in serving their customers in an exercise of futility. Related to this is the fact that these records are almost never reviewed by the Treasury Department. When we consider that we require these 365,000 man-hours at a time when the Treasury Department, as outlined in a letter from Secretary Kennedy to me last week, "knows of no instance where any of the recordkeeping provisions relating to sporting type ammunition has been helpful to law enforcement," we are engaged in nothing less than harassment of sportsmen and bureaucratic boondoggle.

I ask unanimous consent that two letters from Secretary Kennedy favoring my bill be printed in full at this point in the RECORD.

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

THE SECRETARY OF THE TREASURY,
Washington, D.C.

HON. WALLACE BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: This is in response to your request for the views of the Treasury Department on the enactment of the ammunition records amendment to H.R. 12829. The amendment was made by the Finance Committee and includes the text of S. 2718. The latter bill would modify the recordkeeping requirements now imposed by Chapter 44 of Title 18, United States Code, for sporting type ammunition. This would be done by amending section 4182 of the Internal Revenue Code.

The Department has found that the records required of transactions in sporting type ammunition, *i.e.*, shotgun, rifle and .22 caliber rimfire ammunition, is of little value in law enforcement.

Indeed, the Department knows of no instance where any of the recordkeeping provisions relating to sporting type ammunition has been helpful in law enforcement.

In short, the recordkeeping controls are not effective as a law enforcement tool. They do, however, because of the volume of transactions in sporting ammunition tend to generate criticism from sportsmen and others and detract from the effective enforcement of other provisions of the firearms laws.

You should note that the amendment discussed here does not affect the recordkeeping requirements concerning pistol and revolver ammunition nor does the amendment affect the existing controls over interstate shipment and sales by licensees to prohibited persons.

The Department recommends the enactment of the amendment to H.R. 12829 which would eliminate the recordkeeping requirements of certain sporting type ammunition.

With best wishes,

Sincerely yours,

DAVID M. KENNEDY.

THE SECRETARY OF THE TREASURY,
Washington, October 2, 1969.

HON. WALLACE BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: In my letter to you of September 26, 1969, recommending the enactment of the amendment to H.R. 12829, I set forth the reasons therefor, and noted

in passing that the amendment discussed does not affect the recordkeeping requirements concerning pistol and revolver ammunition.

I have been advised that the aforesaid observation is not entirely accurate. An exception has been called to my attention in that one of the types of ammunition proposed to be excluded from the recordkeeping requirement, .22 caliber rimfire, is usable in handguns as well as shoulder arms. Although my letter to you of September 26 should be read with this clarification in mind, the position of the Department on the amendment to H.R. 12829 remains the same, for the reasons stated therein.

With best wishes,

Sincerely yours,

DAVID M. KENNEDY.

Mr. BENNETT. Mr. President, once shells have been purchased, they lose their identity; and the only thing that registration does by way of identification is to show that someone has purchased ammunition.

The Treasury Department took this position in 1963, when Mr. John W. Coggins, Chief Counsel stated:

It has been found impractical to effectively administer the provisions of this Federal Firearms Act relating to ammunition.

On another occasion, the General Counsel of the Treasury Department said:

Ammunition is not serially numbered and is very hard to identify. Those provisions make it impractical to administer. Further, we know of no instance where any of those provisions have been helpful in controlling the interstate flow of firearms or in law enforcement.

These quotes appeared in last year's debate in the CONGRESSIONAL RECORD, volume 114, part 20, page 26894.

The present Secretary of Treasury has taken the same position. In the letter sent to me last week he said:

The Department has found that the records required of transactions in sporting type ammunition, *i.e.*, shotgun, rifle, and .22 caliber rimfire ammunition, is of little value in law enforcement.

Indeed, the Department knows of no instance where any of the recordkeeping provisions relating to sporting type ammunition has been helpful in law enforcement.

In short, the recordkeeping controls are not effective as a law enforcement tool. They do, however, because of the volume of transactions in sporting ammunition, tend to generate criticism from sportsmen and others and detract from the effective enforcement of other provisions of the firearms laws.

The Justice Department took a similar position on July 24, 1969, when Associate Deputy Attorney General Donald E. Santarelli appeared before the Juvenile Delinquency Subcommittee. I quote from his statement:

Another aspect of the Gun Control Act of 1968 that has raised substantial problems relates to recordkeeping. As the representatives from the Treasury Department indicated, there is substantial reaction to the requirements in the 1968 Act for detailed recordation of all transactions involving sporting ammunition. Licensees, especially small dealers who lack clerical personnel, object to the burden imposed on them by the recordkeeping requirements. Sportsmen and shooters object to the burden and annoyance of providing required information and identification and filling out the forms. It is further argued that such recordation is meaningless

to law enforcement since sporting ammunition is fungible and, thus, not easily identified. Furthermore, the hundreds of thousands of daily transactions in sporting ammunition create a volume of records almost impossible to deal with.

Careful consideration should be given to this subject in view of the widespread dissatisfaction with its implementation and the questionable effectiveness of its enforcement.

Mr. Randolph W. Thrower, the present Commissioner of the Internal Revenue, had this to say:

With regard to ammunition transactions, it is only fair to report to the Subcommittee that we are not able to process or check individual ammunition sales records in any meaningful way, particularly in view of the multitude of sales in only sporting ammunition. Whatever manpower would be required to provide adequate checking and policing of this information would, in our view, be better utilized in enforcing the other more critical provisions of the gun laws.

While we do not question the value of prohibitions on sales of ammunition to proscribed persons, we have serious question as to the contribution to enforcement made by keeping records on sales of sporting ammunition, *i.e.*, ammunition for shotguns, ammunition for use only in rifles, and .22 caliber rimfire ammunition.

I would also like to set the record straight regarding the testimony of Assistant Secretary of the Treasury Eugene T. Rossides before the Juvenile Delinquency Subcommittee last July. The Senator from Connecticut seems to have taken the position that Treasury has changed its position based upon Mr. Rossides' testimony that before changes are made in the 1968 Gun Control Act, we should allow it to operate. I have talked to Mr. Rossides about this, and he has assured me that his testimony referred only to legislative proposals that would impose licensing and registration upon all Americans who own a firearm. In his testimony, he clearly pointed out that Commissioner Thrower of IRS would comment on the actual enforcement provisions. As I noted above, Mr. Thrower indicated, on the same day, that the registration provisions on sporting ammunition do not work and should be changed.

Mr. Rossides fully supports this proposal, and the IRS position was fully coordinated at the Treasury Department. To claim that Treasury has switched its position is an incorrect and very misleading assertion. I would like to point out that from 1963 to this day, Treasury has been consistent in its position that ammunition registration is unworkable. I believe if any Senator doubts this, he should read Mr. Rossides' testimony in full.

It is very clear, Mr. President, that those who are now required to administer the law are convinced that recordkeeping on sporting ammunition is of no value and has been of no assistance in the fight against crime. I think Congress should admit this fact and reduce this burden on our legitimate sportsmen.

The legitimate gunowner is harassed; he is inconvenienced; and I assure you, Mr. President, he is unhappy. I have thousands of letters and signatures on petitions in my office, as I am sure other Senators do, from legitimate sportsmen who demand that these provisions be eliminated.

They should also be changed because the end result is a clear example of bureaucratic usurpation of congressional authority—the end result being a type of backdoor gun registration. In section 922(b)5 of the 1968 Gun Control Act, the Treasury Department is required to record the name, address, and age of persons purchasing all types of ammunition. Under section 923(g), the Treasury Secretary was charged with drawing up the regulations. It is my belief, Mr. President, that Congress, in the first section, dictated the information that was to be required. However, in 1968, under the previous administration, the regulations were vastly expanded.

Consequently, a citizen purchasing rifle, shotgun, or .22-caliber rimfire ammunition is now required to give not only his name, age, and address, but his driver's license number, the quantity of ammunition purchased, the caliber or gage of his firearm, or type of component part, and other identification if necessary. When a man gives his name, his age, his address, and the caliber or gage of his firearm to a dealer who must make that available to Federal agents upon request, that, in my opinion, is a type of backdoor registration, and Congress soundly voted down firearms registration last year.

Mr. President, this amendment was originally attached to the interest equalization tax bill so that it could receive consideration prior to the fall hunting season, which is now upon us.

The IET bill, as it has become known, expired on September 30. During this time, the Treasury has managed to obtain voluntary withholding and cooperation from the securities, banks, and others involved in the interest equalization tax.

However, we are now moving into the second week without an interest equalization tax law and great concern is growing in the Treasury and among the financial community. It will not take much to break the egg that is now a volunteer tax, and then it could become a very difficult, multi-million-dollar problem putting it together again.

Just yesterday a gentleman visited my office. He had acted in good faith on the assumption that the tax would be renewed. They have been negotiating a contract for the borrowing of a substantial amount of money abroad. In their prospectus they indicated they would have the interest equalization tax. They are going to find themselves in violation of the law if this tax is not passed before their loan is finally completed; and in self-defense they may have to drop the loan. Of course, I do not want to be responsible for that.

Under these circumstances and after a visit home to discuss the problem with sportsmen and with wholesale and retail dealers in ammunition, I am persuaded that in order to get any bill out at all it is necessary at this time to extract from it all reference to .22-caliber rimfire ammunition from the bill.

This should eliminate most of the emotional opposition and, at the same time, take care of the most serious problem of shotgun and rifle ammunition registration, the purchases of which tend

to pile up at the beginning of each hunting season, and create minor crises in the stores of dealers who are trying to serve sportsmen.

I was assured by the distinguished majority leader (Mr. MANSFIELD) that if the change were made, the bill would be brought up just as soon as feasible, and that is just what happened.

Mr. President, I still believe that the registration should also be removed from .22-caliber ammunition and to that end, I may offer another amendment when another House-passed bill comes along. If the Senate will act now on this abbreviated bill, I think we will relieve the pressure on the interest equalization problem and also relieve the greatest burden from the dealers and the sportsmen; and I am sure this new relief will be most welcome if they can get it now.

Mr. President, the modified amendment, eliminating any reference to .22-caliber ammunition, does not change the recordkeeping provisions on all other handgun ammunition and on destructive devices. In other words, a person who seeks to purchase a box of shells for a .22, .25, .32, .38, or .45 caliber pistol must comply with the provisions in the law and the regulations. The other prohibitions in the 1968 gun law dealing with the sale of ammunition to minors, felons, and persons mentally incompetent are not changed by this amendment.

We are simply removing an unworkable, unnecessary harassment upon the sportsmen of America; and while I will be very pleased if the amendment passes, I wish to point out that the real winners today will be those many Americans who abuse their constitutional right to own a firearm.

Mr. DOLE. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, let me express my appreciation for the efforts of the Senator from Utah in taking the lead in what I consider to be a very important matter. Certainly, as he pointed out, registration of .22-caliber ammunition, as well as other kinds of shotgun ammunition, serves no useful purpose. It is a method of harassment. I certainly join in supporting the Senator's present efforts and hope that we can take care of the other, with reference to the .22-caliber ammunition, later on.

Coming from the State of Kansas—it is probably true in every other State in the Nation—we found that those engaged in the sale of ammunition are literally covered up with bookwork and keeping records—something we never realized would happen.

I had not heard the statement until today, but I agree, this is, in effect, back door gun registration.

Mr. President, I urge my colleagues to approve the provision of the tax equalization bill which would remove the irritating and unnecessary registration for sporting ammunition.

Registration entangles millions of dealers and sportsmen in a web of red-tape for no sufficient reason. The treasury department acknowledges that such

regulation serves no valuable end in law enforcement. Its chief effect is to waste the time and try the patience of America's gun sportsmen and the dealers who supply them. Registration of rifle and shotgun ammunition does not restrict the Mafia and the gangs. It merely places an unnecessary burden on many highly responsible and public-spirited citizens.

I was pleased to join with Senator BENNETT in sponsoring this measure when it was introduced as a separate piece of legislation, and I reiterate my support at this time.

Mr. BENNETT. I thank the Senator from Kansas very much for his kind comments.

Mr. MANSFIELD. Mr. President, I have listened with interest to the speech just made by the distinguished Senator from Utah (Mr. BENNETT). I think that he has stated the case candidly, frankly, and honestly. Perhaps it should be made clear that it was in the interest of positive action with the least possible obstruction, and with consideration for the vitally needed interest equalization tax measure, that .22-caliber rimfire ammunition was removed by Senator BENNETT from the amendment as it was reported from the committee.

In its present form, Mr. President, the gun-law amendment added to this measure will remove what the vast majority of my constituents and I consider an unnecessary burden on the law-abiding gunowner—on the hunters and sportsmen, on those whose use of a weapon is accompanied largely by proper training and a great measure of responsibility.

I wish at this time to offer my sincere commendation to the distinguished senior Senator from Utah (Mr. BENNETT). May I say that he responded with quick dispatch to correct what is considered a raw abuse of agency authority in administering the Gun Control Act of 1968. On February 4 of this year he introduced S. 845 charging that, contrary to the intentions of Congress, registration of ammunition was being compelled by regulation under the 1968 gun law. Registration, I might add, is precisely what the Congress expressly voted down on its merits. I joined as a cosponsor of S. 845 and, on February 17, expressed here in the Chamber my concern for such action by an agency that had no such authority.

For the most part, I agree with gun legislation; I agree especially in its stated objective: to assist Federal, State, and local law-enforcement agencies in their fight against crime and violence. At the same time, I do object when a Federal agency—when any Federal agency—misinterprets or misconstrues the law in the name of enforcement. That is why I joined as a cosponsor of S. 845 in the first place. In doing so, I sought to strike down regulations that, in my opinion, fall squarely beyond any authority granted by Congress under the law. As I said, Congress voted down registration; and registration, in my opinion, is precisely what the Treasury regulations call for.

Getting down to specifics, under section 922(b) (5) of the law, the gun dealer is required to record the name, age, and address of the buyer of ammunition. That is all that is required. Nothing

more. Yet the regulations issued by the Secretary of the Treasury in my judgment go considerably beyond the Gun Control Act and, for that matter, the specific intent of Congress. They call for the following: First, date; second, manufacturer; third, caliber, gage, or type of component; fourth, quantity; fifth, name; sixth, address; seventh, date of birth; eighth, mode of identification, driver's license, and so forth.

It hardly needs saying that these requirements set forth on an extensive form go well beyond the "name, age, and address" of the law and cover a good deal more territory.

What is also clear is that insofar as these regulations affect ammunition and components used in rifles and shotguns, the burden imposed on the law-abiding gun owner is nothing short of onerous. In Montana, for example, the use of a shotgun of rifle by the criminal and unfit is a rarity indeed. I imagine that that is the story across most of the land.

What has resulted from the application of these ammunition regulations against rifles and shotguns has largely been counterproductive. Hunters and sportsmen have been compelled to wait inordinately long periods of time at great inconvenience. In turn, the agency involved has been compelled to process an overabundance of paperwork—which is in the vicinity of something like 300,000 pieces of paperwork every day of the year—devoting long man-hours to a task that no one can say for sure has been of any assistance whatsoever in the fight against crime and violence. By adopting this amendment to the gun law we will provide for its more efficient administration. By adopting this amendment the hunter and sportsman will be relieved of an onerous burden. By adopting this amendment, the gun law of 1968, its implementation and administration, will be vastly improved.

Senator BENNETT is to be commended for his foresight and legislative skill, and especially for his diligence in attempting to correct a feature of the gun law that I think needs correcting.

Mr. President, I ask unanimous consent that certain past statements of mine on this and other features of gun legislation be printed in the RECORD.

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

[From the CONGRESSIONAL RECORD, Feb. 4, 1969]

S. 849—INTRODUCTION OF BILL—GUNS AND CRIMINALS

Mr. MANSFIELD. Mr. President, like so many others, I am alarmed with the increasing use of firearms by criminals in our society; I am appalled by the criminal's quick resort to a gun when deciding to commit his insidious acts. In this respect, the Congress saw fit last fall to make it more difficult for the lawless and untrained to obtain weapons. It is my belief that in its implementation this law—the Gun Control Act of 1968—will serve more effectively as time passes to cut down on the inordinate flow of firearms into the hands of the criminal and the incompetent, the drug addict, and the alcoholic. For the present, however, the ease with which any element of our society has been able to obtain weapons precludes the dramatic ef-

fects this legislation can expect to bring in the future.

But there remains another approach to curtailing gun crimes—an approach that says to the criminal in terms that are clear and simple that the use of a gun will be met with punishment that fits such an act of violence. This approach is contained in an amendment to the Gun Control Act of 1968 which would provide a mandatory additional prison sentence for criminals who choose to resort to firearms.

For a first offender the penalty would be 1 to 10 years in prison. For a subsequent offense—25 years. This proposal varies from the present law in two major respects. Under no circumstances can the sentence imposed against the criminal gun user be suspended or assessed concurrently with the sentence applied for the commission of the crime. In other words, the criminal will be compelled to serve additional time in prison solely for deciding to use a firearm. Second, under the provisions of this proposal, a subsequent offender will be compelled to serve 25 years to for his choosing to use a gun. It seems to me no leeway or discretion is needed in the case of a criminal gun user who employs this weapon of violence a second time.

I agree that in providing mandatory sentences on the congressional level, questions will be raised. But just as the ease of gun accessibility by the lawless reached national proportions justifying congressional action with the 1968 gun law so does the penalty for the criminal use of guns warrant equally close attention and careful consideration by the Congress. To put it frankly, gun crimes have become a national disgrace.

It is in this light that I offer this proposal for a mandatory prison sentence against perpetrators of violent gun crimes. It will serve, I hope, as a focal point. For ultimately it is up to the criminal. In the first instance, it is he who decides to resort to a gun. If he finds the penalty so severe as to deter its use, only then can society be protected from the violence it produces.

AMENDMENT OF GUN CONTROL ACT OF 1968

Mr. President, I introduce, for appropriate reference, a bill to amend the Gun Control Act of 1968 and ask unanimous consent that its text be printed in the RECORD.

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

The bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 924 of title 18, United States Code, is amended to read as follows:

"(a) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, 'shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than 10 years.' In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than 25 years and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

GUN CONTROL LEGISLATION—ADDITIONAL COSPONSORS OF BILL

Mr. MANSFIELD. Mr. President, on February 4, the distinguished senior Senator from Utah (Mr. BENNETT) introduced S. 845. It seems to me to indicate that registration by another name is being required by a regulation of the Internal Revenue Service. This regulation covers ammunition for pistols, rifles, shotguns and some components, including primers, propellant powders, cartridge cases, and bullets.

Under sections 992(b)(5) and 923(g) the dealer is required to record the name, age, and address of the buyer of firearms or ammunition, while section 923(g) authorizes the Secretary of the Treasury to issue regulations relative to record keeping by dealers. The regulations issued by the Secretary of the Treasury call for far more than sections 922 and 923 require and, in my judgment, go considerably beyond the intent of Congress in passing the Gun Control Act of 1968.

For example, the regulations issued by the Secretary of the Treasury call for the following: Date; manufacturer; caliber, gage, or type of component; quantity; name; address; date of birth; and mode of identification, driver's license, and so forth.

It seems to me that this goes far beyond "the name, age, and address" of the law and covers a good deal more territory which, in effect, amounts to registration.

If there is to be registration, let it be in the open and on the table, and let everyone be aware of it. Congress, in my opinion, opposed registration under the Gun Control Act of 1968, and this regulation, in my judgment, would go far beyond what Congress intended.

This is back-door registration and should be corrected. In my judgment, it is necessary to correct an unnecessary burden and a deceptive form of registration and to bring the regulations in line with the intent of Congress at the time the bill was passed.

I ask unanimous consent that I be registered as a cosponsor of Senator BENNETT's bill, S. 845.

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

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that my name also be added as a cosponsor.

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

TESTIMONY BEFORE THE JUVENILE DELINQUENCY SUBCOMMITTEE OF JUDICIARY COMMITTEE, STATEMENT OF SENATOR MIKE MANSFIELD, DEMOCRAT OF MONTANA, JULY 23, 1969

Let me first thank you for your invitation, Mr. Chairman. I appreciate having this opportunity to testify at the beginning of this series of hearings on firearms legislation and especially on my bill, S. 849.

The gun law thus far has asked a sacrifice on the part of the law-abiding gun owner in return for what hopefully will be a measure of control over the inordinate flow of weapons into the hands of the lawless and untrained, the addict, the incompetent and the criminal. Providing such legislation at the Federal level has provoked numerous questions and the debate still rages on.

What is clear so far is that the burden imposed by the present law on the law-abiding gun owner has not been distributed equally. We in Montana, for example, seldom experience the use of guns by the criminal and unfit. At the same time we Montanans pride ourselves in the responsible use of weapons for sport and even for self-defense. Unfortunately, that is not the case elsewhere in the land. Our large metropolitan centers have been wracked by crime and violence perpetrated by hoodlums having no notion of the responsible use of weapons. Yet we in Mon-

tana are asked to bear the full measure of the burden of gun legislation. What we stand to benefit from its hoped-for objective—a reduction in gun crime—is greatly disproportionate when viewed solely within the geographical confines of Montana. Nevertheless, may I say that in Montana the sacrifice asked by this law has been made. It has been made by Montanans though to some the whole notion of gun legislation may be repugnant. It has been made simply because Congress recognized that the ease with which guns are made available to the lawless has become not only a state and local problem, but a national problem as well.

And just as Congress recognized that the ease of gun accessibility by the lawless has reached national proportions justifying Congressional action, so does the penalty for the criminal use of guns warrant equally close attention by the Congress. And that is just what my bill, S. 849, aims to do.

Gun crime is a national disgrace. And with this bill I offer another approach to curtailing the gun crime rate—an approach that says to the criminal in terms that are clear and simple that his resort to a gun will be met automatically with punishment that fits such an act of violence. In contrast to the present gun law, no burden is imposed on the law-abiding gun owner. No sacrifice is asked. The burden falls squarely where it belongs—on the criminal and the lawless; on those who roam the streets, gun in hand, ready and willing to perpetrate their acts of violence.

I am no expert in crime control. I am not even a lawyer. But I know there is something wrong when the FBI tells us that while our gun crime rate continues to spiral upward, our prison population shrinks proportionately. I hope this trend is reversed. I would think an assured prison sentence for criminals who choose to resort to firearms would help establish such a reversal or at least stem the tide. That is the purpose of my bill.

Under its provisions, for a first offender the penalty would be 1 to 10 years in prison; for a subsequent offense—a mandatory 25 years. The proposal varies from present Federal law in two major respects. Under no circumstances can the sentence for using a firearm be suspended or assessed concurrently with the sentence for the commission of the crime itself. The criminal gun user will be sentenced solely for his choice to use a gun. Moreover, the subsequent offender will be compelled to serve 25 years for making such a choice. In this regard, it just seems to me that no leeway or discretion is necessary when it is found that a criminal has chosen a second time to use a firearm lawlessly.

I would add that for the most part I agree with gun legislation; especially in its stated objective; to assist Federal, State and local law enforcement agencies in their fight against crime and violence. At the same time I do object when a Federal agency—when any Federal agency—misinterprets or misconstrues the law in the name of enforcement. That is why I joined as a co-sponsor of the bill, S. 845, offered by the distinguished Senator from Utah, Mr. Bennett, to strike down the ammunition regulations issued by the Secretary of the Treasury pursuant to the Gun Control Act of 1968. In my opinion those regulations fall squarely beyond any authority granted by Congress under the law. Indeed, Congress voted down registration; and registration, in my opinion, is precisely what the Treasury regulations call for.

On February 4, the distinguished senior Senator from Utah (Mr. Bennett) introduced S. 845. It seems to me to indicate that registration by another name is being required by a regulation of the Internal Revenue Service. This regulation covers ammunition for pistols, rifles, shotguns and some components, including primers, propellant powders, cartridge cases, and bullets.

Under sections 992(b) (5) and 923(g) the

dealer is required to record the name, age, and address of the buyer of firearms or ammunition, while section 923(g) authorizes the Secretary of the Treasury to issue regulations relative to record keeping by dealers. The regulations issued by the Secretary of the Treasury call for far more than sections 922 and 923 require and, in my judgment, go considerably beyond the intent of Congress in passing the Gun Control Act of 1968.

For example, the regulations issued by the Secretary of the Treasury call for the following: Date; manufacturer; caliber, gage, or type of component; quantity; name; address; date of birth; and mode of identification, driver's license, and so forth.

It seems to me that this goes far beyond "the name, age, and address" of the law and covers a good deal more territory which, in effect, amounts to registration.

If there is to be registration, let it be in the open and on the table, and let everyone be aware of it. Congress, in my opinion, opposed registration under the Gun Control Act of 1968, and this regulation, in my judgment, would go far beyond what Congress intended.

This is back-door registration and should be corrected. In my judgment, it is necessary to correct an unnecessary burden and a deceptive form of registration and to bring the regulations in line with the intent of Congress at the time the bill was passed.

With that said, let me again reiterate that I think the objectives sought by the 1968 law are wholly correct. I hope they are met; though it is premature now to make a judgment on that score.

And it is only to complement the objectives of the existing law that I offer my proposal for mandatory jail sentences against perpetrators of violent gun crimes. The message it brings to the criminal gun user is clear. For ultimately the decision to resort to a firearm is up to him. If he finds the penalty so severe as to deter his use of this deadly weapon, only then can society be protected from the violence it produces. The State of Alaska I understand has already adopted such an approach. Other states are in the process of joining the effort. Mr. Chairman, I urge you and your subcommittee—already so distinguished for your leadership in this area—to steer this proposal through the full Judiciary Committee and on through the Senate.

By offering mandatory jail terms in return for gun violence at the Federal level, the Congress will provide, I believe, a splendid model for all fifty states to follow.

Mr. BENNETT. Mr. President, yesterday, when I opened the debate on H.R. 12829, I indicated I would include in the RECORD a summary of the minor and technical changes made in the interest equalization tax bill. Inadvertently, this summary was not included in the RECORD. Therefore, I ask unanimous consent that the summary be included in today's RECORD at this point.

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

SUMMARY OF OTHER INTEREST EQUALIZATION TAX AMENDMENTS

In addition to the two major provisions, the House bill contained a series of minor modifications of the existing provisions of the interest equalization tax. These modifications were accepted by the committee with a few technical amendments. In addition, the committee adopted technical amendments regarding the treatment of certain lease obligations for purposes of the tax.

The minor modifications made by the House bill are as follows:

(1) Under present law the tax applies where an American transfers money to a

foreign trust which then acquires otherwise taxable foreign stock or debt obligations. The bill strengthens this provision by presuming that upon a transfer of funds to a foreign trust, the trust made a taxable acquisition of foreign stock or debt obligations unless, and to the extent, the transferor proves to the Treasury that such an acquisition has not occurred.

(2) An exclusion is presently provided for loans by a U.S. person to a foreigner for the purpose of constructing a foreign mineral facility, where a substantial portion (35 percent) of the minerals or ores processed in the facility are extracted outside the United States by the U.S. person or by an affiliated company. The bill modifies this rule to provide that the exclusion will be applicable where the U.S. person's loan covers only part of the cost of constructing the facility, if more than 50 percent of the minerals processed in the proportionate part of the facility represented by the U.S. person's loan in relation to the total cost of the facility are extracted by him or an affiliated company.

(3) Under present law, an exclusion is provided for acquisitions of debt obligations arising in specified export credit transactions. The exclusion is lost, however, if the debt obligations are subsequently transferred other than to specified persons or in specified ways. The bill adds an affiliated company to the permitted transferees.

(4) U.S. dealers in foreign stock or debt obligations presently may acquire these securities without payment of tax (through a credit or refund) if they resell them to foreign persons within a prescribed time. A similar rule applies in the case of U.S. underwriters who resell to foreign persons. The bill provides that certain foreign branches (engaged in the commercial banking business) of U.S. corporations which, in effect, are treated to a limited extent as foreign persons for purposes of the tax (they may acquire foreign stock or debt obligations free of the tax up to a specified amount) also are to be treated to the same extent as foreign persons for purposes of the dealer and underwriter resale exclusions.

(5) Present law provides that a domestic company engaged in the business of financing sales of products manufactured by affiliated companies in the United States or abroad may elect to be exempt from the tax on the foreign debt obligations it acquires as the result of its financing activities. The bill modifies or eliminates certain restrictions in this provision which have made it unworkable, but retains the basic framework of the provision including the concept that the financing company must obtain the funds it uses in its business from foreign sources.

(6) Under present law, a transaction tax return must be filed prior to the sale of foreign stock or debt obligation which was subject to tax when acquired, if the sale occurs prior to the time for filing the regular quarterly interest equalization tax return. The bill clarifies the application of this requirement to U.S. dealers or underwriters by providing that they need not file a transaction tax return with respect to sales of foreign securities under the dealer or underwriter resale exemptions.

(7) The bill conforms the reporting and recordkeeping requirements for "nonparticipating firms" to the procedures established by the Interest Equalization Tax Extension Act of 1967 in connection with the exemption for prior American ownership and compliance. This amendment generally conforms the requirements imposed on these firms to those imposed on "participating firms" insofar as specified types of sales or acquisitions of foreign stock or debt obligations are concerned, and confirms that nonparticipating firms must continue to file quarterly information returns.

(8) The bill prescribes a \$1,000 penalty for each failure to file (or inadequate filing) by

a nonparticipating firm pursuant to the requirements imposed under the conforming amendment discussed above.

The committee adopted two minor amendments to the financing company provision (No. 5 above) to further implement the purpose of the changes made by the bill; namely, to increase the workability of this provision. One amendment provides that a financing company may loan out amounts represented by accrued foreign taxes which are payable within 3 years, rather than one year as under the House bill. The other amendment provides that a financing company may own debt obligations acquired in the course of carrying on its financing business (such as loans to employees) in addition to the other types of debt obligations the company is allowed to own under the House bill.

The committee also added technical amendments to the bill regarding the treatment of a lease obligation as a debt obligation for interest equalization tax purposes where the lease is entered into principally as a financing transaction. These amendments also provide that export leases are to be treated in a manner similar to export sales under the existing export credit exemption and under the financing company provision.

Mr. DODD. Mr. President, by now, the Senate is aware that the amendment offered by the senior Senator from Utah to repeal the ammunition controls of the Gun Control Act of 1968 will no longer include .22-caliber rimfire ammunition. Senator BENNETT's amendment to H.R. 12829, the Interest Equalization Tax Extension Act, has been modified so that now only rifle and shotgun ammunition would be exempted from the control provisions of the 1968 act.

I have considered Senator BENNETT's action very carefully, because I realize that if one side moves toward conciliation, then the other side should be willing to compromise as well.

I have considered the fact that Senator BENNETT's modification does indeed remove from contention 70 percent of the ammunition which he originally sought to exempt.

I have asked myself whether or not controls on rifle and shotgun ammunition might indeed be a burden on legitimate sportsmen, and I have asked myself whether or not, if I agreed to the Bennett modification, I might gain the support of those in the State of Connecticut who have looked askance at my efforts in the field of responsible firearms controls.

I have considered all these facts, Mr. President, and I have considered them well, but the conclusion rings through loud and clear: we must oppose the remains of the Bennett amendment as emphatically as we opposed the original amendment.

In the first place, ammunition controls are a significant law enforcement tool. Second, the controls are not burdensome to legitimate sportsmen or anyone, except felons, drug addicts, and other undesirable types. Third, and most importantly, one cannot just write off the lives of over 1,600 Americans. That is how many people were murdered last year with the bullets and shells Senator BENNETT would remove from the Gun Control Act.

And one cannot write off the tens of thousands of our citizens who will be assaulted, wounded, and subjected to armed robbery with the bullets and

shells Senator BENNETT would have us remove from the Gun Control Act.

The pending amendment to repeal ammunition controls must be defeated.

While much has been said about the substance of the Bennett amendment, and while much more will be said today, I must state that there is also a procedural question of some magnitude involved here which deeply disturbs me.

Speaking quite frankly, I find the way in which the amendment to repeal ammunition controls reached the floor rather repugnant. My feelings on this point are underscored by the statement which the senior Senator from Utah made awhile ago indicating that while he has modified the pending amendment, he will again try to exempt .22-caliber ammunition from the control provisions of last year's Gun Control Act by offering "another amendment to another House-passed bill when one comes along".

This statement is disturbing, because it indicates that those who would repeal ammunition controls are unable and unwilling to work through traditional Senate channels.

Instead, they must resort to subterfuge, thereby bypassing the very committee which has had jurisdiction over this subject matter for several years.

Let me review briefly the history of the amendment which is before us today.

On February 4, 1969, Senator BENNETT introduced S. 845, a bill to repeal the ammunition controls of the Gun Control Act of 1968.

The amendment was referred to the Judiciary Committee and then to its Subcommittee To Investigate Juvenile Delinquency.

This was an entirely proper referral, because it was the Subcommittee To Investigate Juvenile Delinquency which, through 6 years of work, handled the significant firearms control legislation which was enacted last year. It is this very legislation, of course, which established the ammunition controls under discussion today.

In mid-July, the subcommittee announced that it would hold hearings on several bills which would amend last year's Gun Control Act. Among the bills scheduled to be considered was S. 845. Among the witnesses scheduled to be heard was the senior Senator from Utah, the author of the bill.

On July 18, Senator BENNETT wrote to me, as chairman of the subcommittee, asking that S. 845 be removed from consideration during the forthcoming hearings because the bill was to be withdrawn.

Senator BENNETT stated that his reason for withdrawing the bill was the firm opposition to the bill of the distinguished chairman of the Committee on the Judiciary of the House of Representatives.

On July 29, 11 days later, Senator BENNETT introduced S. 2718, a bill very similar to S. 845, which, at Senator BENNETT's request, was referred to the Finance Committee.

Mr. President, the referral of S. 2718 to Finance makes no sense at all, for the Finance Committee has never had jurisdiction over legislation to control the irresponsible sales of firearms and ammunition to felons, juveniles, drug addicts,

and the like. The bill is in no way germane to the functions of the Finance Committee.

I did not object to the referral of this bill to the Finance Committee, because at that time the Subcommittee To Investigate Juvenile Delinquency was deeply involved in legislation concerning narcotics control, prison reform, pornography control, and several other matters.

And, of course, I felt certain that the Finance Committee would hold hearings on the bill, at which time those of us who had an interest in the bill would be called upon to testify. I felt so certain that hearings would be held that my testimony was prepared well in advance.

I was gravely disturbed, therefore, when the bill to repeal the ammunition controls of the 1968 Gun Control Act was attached as a "Christmas tree" amendment to H.R. 12829, the Interest Equalization Tax Extension Act, which had already passed the House, without a single minute of hearings being held on the amendment.

I would point out that the Gun Control Act of 1968 had a history of hearings totaling 35 days and involving 154 witnesses. In addition, there were six executive sessions held by the Subcommittee To Investigate Juvenile Delinquency and five executive meetings of the full Judiciary Committee. And, because the bill had interstate aspects to it, it was referred to the Senate Commerce Committee so that that committee could render its judgment on the final product.

Mr. President, it strikes me that this is the proper way to legislate: by holding public hearings and extensive debate within the appropriate committees of Congress.

The amendment we are considering today went to the wrong committee and the way it was handled constitutes a mockery of the legislative process. There were no hearings on the amendment and apparently there was no debate on the subject within the committee. There was certainly no attempt to seek the concurrence of the Judiciary Committee, which does have jurisdiction, as we sought the concurrence of the Commerce Committee on the Gun Control Act.

This abortion of the legislative process is intolerable and I ask the Senate to look at it for what it is, a blatant attempt to ram down the throats of the great majority of the American people legislation they really do not want.

I ask the Senate to reject this procedure for the dangerous precedent it sets, and at the appropriate time, I shall move to table the pending amendment.

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

Mr. DODD. I yield.

Mr. KENNEDY. Mr. President, I acknowledge first of all the adjustments that have been agreed upon by the distinguished Senator from Utah and the majority leader eliminating the rimfire .22 ammunition from the pending proposal. I think this meets to a great extent one of the outstanding needs of the country—the control of sales of ammunition to insure that it will be kept out of the hands of juvenile delinquents, criminals, addicts, and mentally deranged individuals.

Those of us who had very serious reservations about the Bennett amendment in the first place are encouraged by the exclusion of the .22 caliber rimfire ammunition.

We were very much confused by the alleged report from the distinguished Senator from Utah in the newspapers in which he expressed his view that the amendment in and of itself did not cover ammunition for handguns, when in fact the ammunition reported by the Finance Committee quite clearly covered .22 rimfire pistol ammunition, which is used in many handguns.

A legitimate question was therefore raised in the minds of many of us as to whether its own sponsors fully understood the amendment. And it is understandable that they would not, since we know, as the distinguished Senator from Connecticut has pointed out, that no hearings were held. It is thus very questionable whether even the members of the Committee on Finance, with their expertise on matters of finance and taxation, had any fundamental grasp of the nature of the amendment, because the report and the amendment themselves were inconsistent, and the amendment was contradictory to the explanations given by the prime sponsor.

Nevertheless, as we understand it now, an effort was made by the distinguished Senator from Utah to correct the amendment in order to insure that the .22 rimfire ammunition was not included. That ammunition, as the distinguished Senator from Connecticut has pointed out, is the cause of so many of the deaths in our country and is easily usable in many handguns.

I point out at this time that the Subcommittee on Juvenile Delinquency of the Judiciary Committee really is the expert committee in the field of gun legislation. Obviously, members of that committee, as happens in so many other cases which come before the Senate, have different views and different opinions. For example, the distinguished Senator from Nebraska (Mr. HRUSKA), is a member of that committee, and he has perhaps been the most enthusiastic spokesman for those interests that have attempted over a period of time to weaken any legislation on gun control and ammunition.

The Senator from Nebraska is very effective and has been a forceful spokesman for these interests. He is an extremely knowledgeable person, as is the distinguished Senator from Connecticut. However, as the Senator from Connecticut pointed out, the Subcommittee on Juvenile Delinquency has jurisdiction of this matter.

What we would like to see happening is what we were reminded about last year at the time the Subcommittee on Juvenile Delinquency was meeting and trying to acquire quorums and to get the subject matter considered before the full committee. We were told then that we ought to wait and give careful and full consideration to the matter.

For so many years the distinguished Senator from Connecticut held hearings on gun legislation and found that the Senate would adjourn the next year

without having considered the matter, and he would then have to reschedule hearings and again hear witness after witness.

In those days it was always those who wanted to weaken the legislation and eliminate any kind of restrictions that were interested in following the due procedures of the committee system and of the Senate to insure that all people who had opinions about these matters would be heard.

Is it not ironic that once the shoe is on the other foot, so to speak, our friend, the distinguished Senator from Utah, says, "We are ready to vote this afternoon or at any time. And we are prepared to offer the handgun amendment on a tax bill some time in the future."

Once the ball is in their court, then it is so ironic to see all these procedures go by the board. Now they say, "Let us get right to it."

This is something that the Members of the Senate ought to be fully aware of. I think that the statement the distinguished Senator from Connecticut has given to the Senate is extremely helpful. I hope that included in his records would be the number of days of hearings on which his committee has held hearings over the last 9 years on the matter of gun control and the related question of ammunition.

I hope the RECORD will show the dates of those hearings, the witnesses who testified, and, as the distinguished Senator has pointed out, the efforts that were made to include the Commerce Committee which has related jurisdiction in the matter to make sure they were informed and that their interests were carefully protected.

It is interesting to me that in the limited time I have been a Member of the Senate, we have heard about the proper procedures and about being respectful of the committee system. That seems to be well and good only so long as it works to the advantage of those holding a particular viewpoint.

Mr. President, I could not agree more with the distinguished Senator from Connecticut that this is not a matter that should have ever been considered by the Finance Committee.

Obviously a Senator is right in proceeding to introduce any amendment he desires on any related matter. However, to report an amendment out of the Finance Committee as if the matter had been thoroughly considered and deliberated, or were a measure urgently necessary to meet an outstanding need in our country, is just perpetrating a fraud on the Senate.

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

Mr. KENNEDY. I yield.

Mr. PERCY. Mr. President, I would not want to get into the jurisdictional dispute on the matter. The amendment is pending. I would like to deal with the amendment on the basis of merit and from the standpoint of my best experience.

The distinguished Senator from Massachusetts knows that I supported every gun control measure in which he was

interested, even back in the days when very few Senators were supporting that type of legislation.

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

Mr. KENNEDY. I yield.

Mr. DODD. Mr. President, the reason we are discussing the procedural aspect is that I said I would offer a motion to table.

Mr. KENNEDY. The Senator from Connecticut indicated that he was going to make a motion to table. That is why we were discussing the procedure. However, I would welcome the comments of the Senator on the substance of the matter as well.

Mr. PERCY. Mr. President, knowing the point would be made, I wanted to make my comments in the RECORD. I would sponsor such legislation that I felt was needed and necessary.

I feel, since legislation has been passed, that we should take the benefit of experience we have had, and whenever we have amendments that become burdensome or meaningless as far as the true meaning of the law is concerned, we should have no hesitation in backing away from those amendments.

As I understand the situation, in this case we are not talking about guns; we are talking about ammunition. We are talking now about the Justice Department and the Treasury Department which have agreed that the regulations are useless, that they are a burden to the storekeeper and to the consumer, and that they serve no real purpose. In my own State I have talked with both sellers and buyers of ammunition to determine whether or not these regulations have any effect on the end result we were trying to achieve with control legislation. I find them of no help and only a burden.

It is for this reason that I have joined in cosponsoring the amendment of my distinguished colleague, the Senator from Utah.

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

Mr. PERCY. I yield.

Mr. KENNEDY. What burden is placed by these regulations? Will the Senator from Illinois enlighten me on that factor? What burden is placed on legitimate interests about which he is so concerned? What burden is placed on the person who goes into one of these stores and attempts to buy the ammunition that is not placed on a housewife who attempts to charge something in a store or goes to a supermarket and cashes a check and has to show a license? What is this great burden about which we are always talking?

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

Mr. KENNEDY. I will not yield at this point.

We hear these expressions about the great burden it has caused the sportsmen of this country. If there is a legitimate burden, the Senator from Utah has not been able to present us with any witnesses who say that there has been. Representatives of the sports clubs have not testified before the Subcommittee on Juvenile Delinquency, nor have any representatives of the NRA who are so ac-

tive and so vociferous on these matters. I think this is the kind of question that should be answered. The Senator from Illinois says the regulations were passed, a burden was imposed, and we are trying to eliminate it. But are we just supposed to take the statements that were made in the Committee on Finance, without having any opportunity to question these people?

Mr. PERCY. If I may reply to the distinguished Senator, I do serve as the ranking minority member of the Committee on Small Business. I engaged in small business years and years ago. I am constantly aware of the fact that Government continues to impose upon the small shopowner a tremendous burden of paperwork. We overwhelm them with paperwork. If we just take Federal regulations alone, we find that the small shopowner, who is open from 9 to 6 in the evening, spends hours and hours and weekends working and struggling through this pile of paperwork.

I was quite willing to see that in this case, recognizing the national interest, what we are trying to protect is the small shopowner from unnecessary paperwork.

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

Mr. PERCY. I yield.

Mr. KENNEDY. Is this the same kind of paperwork that a grocery store owner has to go through when someone comes in to cash a check? They have to check someone's license for residency and number and name. That is done at a gasoline station and at a supermarket. That is done when one buys groceries. The only thing this regulation provides is that it has to be done when one buys ammunition.

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

Mr. KENNEDY. I am having a dialog with the Senator from Illinois, and if he would like to respond, I will then yield.

Mr. PERCY. My point is this: Have we proved or solved anything by the particular regulation we have imposed?

Mr. KENNEDY. Will not the Senator agree that once we have the regulations, the burden is on the other person to prove that they are not functioning?

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

Mr. KENNEDY. I yield.

Mr. MOSS. The Senator asked a legitimate question, and I think I can supply some information on it. The Senator asked if someone who went to a store and wanted to cash a check does he not have to show his driver's license and residence? Yes. He is seeking credit and has to prove certain things. If he is going to a liquor store, he has to prove he is of age, and he may have to show his driver's license for that.

But this is over and beyond that. He not only has to prove residence and age to the satisfaction of the seller, but, also, he must actually fill out a form, and the form has all this information on it. The form must then be filed by the seller, and somebody has to stack all those forms up for some reason.

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

Does the Senator have one of those forms?

The PRESIDING OFFICER (Mr. SPONG in the chair). The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. I think we would like to get the form that the purchaser supposedly has to fill out. The seller has to comply with certain regulations and has to keep some records. But I think that this is a good question of the Senator from Connecticut. We would like to see the form that the purchaser supposedly has to keep.

Mr. MOSS. It is a regular Federal form.

Mr. KENNEDY. For the purchaser or the seller?

Mr. MOSS. The seller keeps it. The purchaser fills it out. The seller has to file it. Let me answer.

Mr. DODD. If the Senator can produce that form, I will quit. There is no such form.

Mr. MOSS. That sounds like an easy offer, and I will be glad to take it up.

Mr. DODD. It is.

Mr. MOSS. The Senator asked another rhetorical question, but I think there is a good answer to it. He asked if anybody had said this was burdensome. I hold in my hand petitions signed by 5,240 citizens of my State, who say, "Respectfully request you make every effort to persuade Treasury Department and Congress to eliminate registration requirements on the purchase of shotgun and rifle ammunition."

That is the sort of problem it is causing. The people in my State are getting ready for the opening of the duck season this Saturday. They are already standing in line, trying to buy shotgun shells, because of the burdensome requirement to fill out these forms. What can be more innocuous than buying a couple of boxes of shotgun shells if you are a sportsman?

Next week will be the opening of the deer season, and 180,000 people in my State will go into the mountains to seek deer, and they must buy ammunition. Next week they are going to be lined up the same way. And what does it accomplish? It does not accomplish a thing. It does not accomplish anything to have their names filed on forms and those forms filed someplace. The little shopkeeper, to whom the Senator from Illinois referred, already has a lot of burdens and paperwork, and he will have one more form he has to make sure is filled out and properly indexed. It does not accomplish anything.

So why should we do a futile thing? That is my position. It is futile to do this, and it creates only frustration and delay and all sorts of bother for the people involved—the buyer and the seller.

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

Mr. KENNEDY. I yield.

Mr. PERCY. Who has the floor?

Mr. KENNEDY. I have the floor.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

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

Mr. KENNEDY. I yield.

Mr. DODD. Yesterday, I sent out a

number of our staff with the instruction to buy some of this ammunition and keep a record carefully of what happened. I think it would be of interest to the Senate to know what her experience was.

I have in my hand photostatic copies of two sales slips. She made two purchases. Both were in Maryland, across the line. All she had to do was go in and ask for this ammunition. All she gave was her name and address, and she showed her automobile license, and she paid the money and got the ammunition.

Mr. KENNEDY. Did she have to fill out any form?

Mr. DODD. None at all.

Mr. KENNEDY. And these are the same regulations that are in effect, and this person did not have to fill out any form?

Mr. DODD. No. This is so all over the country.

Mr. KENNEDY. Is this the burden?

Mr. DODD. This is the burden.

Also, we sent out another member of our staff to make a check, which is also of interest. We obtained the list of persons who had purchased ammunition during the last 3 months at the Suitland Trading Post in Suitland, Md., and we have the list here. It took 1 hour to run these names through the criminal identification files of the Metropolitan Police Department of Washington, D.C., yesterday.

Here are the names of people who purchased ammunition in the last 3 months just over the line in Maryland. Twenty-one percent of them had records for felonies, which run all the way from riots, felonious assault, and so forth. The list includes all kinds of things. Twenty-one percent of the people who bought this ammunition just over the line in Maryland in the last 3 months were criminals. They were people who could not buy ammunition in the District of Columbia because of the ordinances imposed here by the Commissioners. So they go across the line into Maryland and buy it.

We are asked, "What is the need for this requirement?" We do not need a relaxation of the controls. We need better controls or we will have an epidemic of killing all over again and it will increase and get worse.

Nobody talks about the number of people who have been killed with this kind of ammunition. There were 1,600 people murdered last year in this country by the same type ammunition this legislation would seek to exempt from controls. I am not talking about accidents, mistakes, or suicides. I am talking about homicides. Certainly that is a sizable figure.

We hear complaints about this great burden. What a great burden to ask someone to give his name, address, and age. That is very little, indeed, to ask in the face of the grave situation that is facing this country today.

Mr. KENNEDY and Mr. PERCY addressed the chair.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Mr. President, as I understand what the Senator from Connecticut has just said—

Mr. DODD. Mr. President, will the Senator yield once more briefly?

Mr. KENNEDY. I yield.

Mr. DODD. Mr. President, here is the ammunition record book. I am told this book is typical of the book most of these stores have. They use similar books to record the data. It is an inexpensive ledger. That is all they are required to keep and that is all they keep.

Mr. KENNEDY. Mr. President, as I understand from what the Senator from Connecticut has pointed out this afternoon, there is no requirement under any of the regulations which are in existence now that the purchaser has to fill out any form at all. Is that correct?

Mr. DODD. The Senator is correct. There is no form at all for the purchaser to fill out.

Mr. KENNEDY. The purchaser has no obligation other than to show what the Senator from Connecticut has mentioned: the equivalent of a driver's license that would show name, age, and residence of the purchaser. Is that correct?

Mr. DODD. The Senator is correct.

Mr. KENNEDY. What we are really doing is asking the purchaser to assume the same inconvenience or burden that it is necessary for any housewife to assume who wishes to cash a check when she goes to the grocery store or to the gas station and has to show a driver's license.

Mr. DODD. The Senator is correct.

Mr. KENNEDY. As I understand the position of the Senator from Connecticut, we are balancing that slight burden on the purchaser against what the Senator from Connecticut has pointed out, and which has been demonstrated time and time again in the hours and days of hearings before the Subcommittee on Juvenile Delinquency, that without any regulations the gates are being opened for juveniles, addicts, felons, and mental incompetents to purchase the kinds of ammunition that can be used in crimes and disorders. Is that right?

Mr. DODD. The Senator is correct.

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

Mr. KENNEDY. I shall yield to the Senator in just a moment.

Mr. DODD. When the Senator from Utah dropped from the amendment that part thereof dealing with .22 caliber rimfire ammunition he said, that he would try to exempt those bullets at a later date. This is not an abandonment of the effort to exempt .22 caliber rimfire ammunition, which is the bullet that killed 3,000 people in this country last year. It has killed many people over the years but last year 3,000 people were killed by that type of ammunition. The weapon which fires that ammunition is known to law enforcement officials across the land as the "Saturday night special." It is the murder gun, that is cheap, and is easily procured, easily concealed, and used unlawfully on a vast scale.

As to how frequently it is used in hold-ups and assaults, I do not know; but I have the figure for murders. This is the ammunition that is used for the 3,000 murders I mentioned.

We are told, "We will drop the effort to exempt this ammunition today but we will be back tomorrow." They are not

content with 1,600 murders a year from shotguns and rifles. They want to do away with regulation on .22-caliber rimfire ammunition which is used in handguns concealed so easily, and used so frequently by hoodlums all over the country.

This is a dreadful thing. The people of this country would be in tears if they knew all the facts, and if the people of the country would come down and speak they would overwhelmingly say, "No. Do not exempt this ammunition from control."

The little inconvenience of giving one's name, address, and age in order to buy bullets is not very much to ask. I have heard talk here about registration. We went all through that a year ago. Many of us thought we had to go to that extreme. We do not have ammunition registration. We have the simple matter of asking an individual, "How old are you, son?" We must be sure he is of age to buy ammunition. We are trying to prevent children from getting these dreadful weapons and the bullets for them in their hands and misusing them. There is no requirement of police check, no asking for fingerprints, no request that they come back in 30 days to get the bullets. There is nothing of that kind. Purchasers walk in, give the information, pay their money, and walk out with the ammunition, as if one were buying a spool of thread, liquor, or cigarettes, in a good many places across the land.

Mr. KENNEDY. I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I wish to ask a question. It seems to me the Senator from Connecticut and the Senator from Massachusetts are, in effect, arguing against their point by saying, as the Senator from Connecticut did, that it is as simple as buying a spool of thread; that one simply goes in and shows his driver's license, pays his money, and it is done. On the other hand, he said we need this because we have to keep this out of the hands of those who would go around killing people, that it is awful, and, therefore, if they jot their names down in a book or on a form they will not go around killing people.

If it is as simple as all that how is this going to check the use of ammunition in the commission of crime in this country in any way?

Mr. KENNEDY. Mr. President, I make two answers to the Senator's comment. First of all, we use this system very widely today in terms of alcoholic beverages. For example, certain States sell alcoholic beverages to persons who are 18 years of age and other States sell alcoholic beverages to persons who are 21 years of age. Therefore, any time a youth asks for alcoholic beverages, he must show a driver's license to establish his age. That works pretty well. It does not meet all the problems, but it works pretty well in the States. Some States have an age limit of 18 and it works pretty well, and in States where the age limit is 21 it works pretty well. It does serve as an important factor in determining violations of the law by those whom the law prohibits from making a purchase.

Second, it adds another kind of opportunity, because, as I understand, many jurisdictions, like the District of Colum-

bia have lists of convicted felons on computer cards, and in a matter of minutes it is easily determined if someone who was a known felon has purchased ammunition. Thus the bill helps supply this kind of information to law enforcement agencies.

All we have to do is look through the Crime Commission report of 1967 and see that law enforcement personnel throughout the country believe this is a very useful instrument for preservation of law and order.

And yet the proponents say, "What a burden it is." But why can we not go ahead and have a hearing? That is the point Senator from Connecticut and I make. If this is supposed to be a burden, why do we not have an opportunity to listen to the responsible administrative officials tell us why? We receive letters and hear comments that in letters and conversations with officials in the Department of the Treasury it is said the regulations do not work and that they support an amendment. Why are they not willing to come here and be questioned? Why does this always have to be just, so to speak, between individual Members of the Senate? Why cannot we have some hearings?

Mr. PERCY. Will the Senator from Massachusetts yield at that point?

Mr. KENNEDY. I yield.

Mr. PERCY. I agree fully, once again, that if we can pass regulations that we can prove will help the problem, I would be for them.

But we have testimony, not in private conversations, not in private letters, but in public hearings by Mr. Randolph W. Thrower, Commissioner of Internal Revenue of the Treasury Department, before the Subcommittee to Investigate Juvenile Delinquency in the Senate, saying the following:

With regard to ammunition transactions, it is only fair to report to the subcommittee that we are not able to process or check individual ammunition sales records in any meaningful way, particularly in view of the multitude of sales in only sporting ammunition. Whatever manpower would be required to provide adequate checking and policing of this information would, in our view, be better utilized in enforcing the other more critical provisions of the gun laws.

While we do not question the value of prohibitions on sales of ammunition to proscribed persons, we have serious question as to the contribution to enforcement made by keeping records on sales of sporting ammunition, *i.e.*, ammunition for shotguns, ammunition suitable for use only in rifles, and .22 caliber rimfire ammunition.

Furthermore, Mr. President, in public testimony by Donald E. Santarelli, Associate Deputy Attorney General of the Department of Justice, before the same committee, Mr. Santarelli said:

Another aspect of the Gun Control Act of 1968, that has raised substantial problems, is that relating to record keeping. As the representatives from the Treasury Department indicated, there is substantial reaction to the requirements in the 1968 Act for detailed recordation of all transactions involving sporting ammunition. Licensees, especially small dealers who lack clerical personnel, object to the burden imposed on them by the record keeping requirements. Sportsmen and shooters object to the burden and annoyance of providing required

information and identification and filling out the forms. It is further argued that such recordation is meaningless to law enforcement since sporting ammunition is fungible and, thus, not easily identified. Furthermore, the hundreds of thousands of daily transactions in sporting ammunition create a volume of records almost impossible to deal with.

Careful consideration should be given to this subject in view of the widespread dissatisfaction with its implementation and the questionable effectiveness of its enforcement.

Mr. President, my only concern is this: Many times we think we have passed a law and solved a problem, but it is a delusion to think that we have solved this problem by passing this particular law.

It is for this reason that I support the amendment of the Senator from Utah. I appreciate the Senator from Massachusetts yielding to me.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Mr. President, we can see from the record of last year that we voted to include this kind of provision on ammunition which is being struck out by the Senator from Utah, and that it was of sufficient importance for us to see that it was included. I am sure that some of us may have a change of heart on these kinds of matters, but the only thing that we are saying here is that if we are going to have representations made later, which the Senator from Illinois (Mr. PERCY) has made, and people change their minds about these things, why do we not at least have an opportunity to question the people who are affected by the regulations? That is, really, the thrust of what the argument is.

I should like to ask the Senator from Illinois whether he feels that the burden is a burden on the purchaser or is a burden on the shopkeeper? Who really has the burden that he is so concerned with?

Mr. PERCY. I think it is a burden on both.

Mr. KENNEDY. The Senator thinks it is a burden on both.

Mr. PERCY. I am more concerned not just with the burden but with the end result. I do not think we have solved the problem with this particular provision of law.

Mr. KENNEDY. Who has ever represented that we have solved the problem? However, it falls upon the proponents, it seems to me, to prove that we should undo what the 90th Congress did. No one is suggesting that the 1968 act answers the problem, but now the Senator says there is this burden, one on the purchaser and one on the seller. What burden does the Senator from Illinois see on the purchaser this year that was not on him last year that would require him to change his mind?

Mr. PERCY. I would think this: We have clear-cut testimony from the very department responsible—the Justice Department—saying that this is a meaningless regulation, that it is impossible to enforce, and that it does not really lead to any desirable end result. What we passed before was hopefully intended to lessen the killing and injury to the people of this country, but here we have the agency responsible for administering the law which says it is meaningless, that

they do not need it or want it. Let us use our manpower—it is always limited—in areas where a decent return on the investment can be made rather than one of futility.

Mr. KENNEDY. This is the same Justice Department that has retreated on the Voting Rights Act, that said the bill would not work, but then, when they said it, they still came to the Judiciary Committee and said it and received cross-examination on it. Why should the Justice Department say last year it will work and this year say it will not? Why will they not come up here and be asked about it? Why will they not do that, I ask my friend from Illinois?

Mr. PERCY. I do not know, but—

Mr. KENNEDY. Would he not welcome it?

Mr. PERCY. That testimony was given in the hearings.

Mr. DODD. If I may interject there, that testimony was never given in the hearings, I am sure. I held them.

Mr. BENNETT. May I answer that question? This testimony was given in the hearings before the Subcommittee on Juvenile Delinquency, in July of this year.

Mr. KENNEDY. That was on a totally different bill.

Mr. BENNETT. On this bill?

Mr. DODD. No, No; it was not.

Mr. BENNETT. On the question of ammunition.

Mr. DODD. That bill was withdrawn from the committee. We held no hearing on it.

Mr. BENNETT. That was the basic question of registration of ammunition.

Mr. KENNEDY. Does the Senator have it right there?

Mr. BENNETT. Yes.

Mr. KENNEDY. Would the Senator enlighten us about the testimony there? Will the Senator tell us what matter was being heard before the committee at that time? Of course, we have no record before us. No one of us has a record on this side. No one else has it.

Mr. BENNETT. I have the statement of Commissioner Thrower, Commissioner of Internal Revenue, before the Subcommittee To Investigate Juvenile Delinquency.

Mr. KENNEDY. On what bills?

Mr. BENNETT. S. 100, S. 849, 977, 2433—

Mr. DODD. That is not this bill.

Mr. BENNETT. May I finish, please? In that statement, Commissioner Thrower said:

It is only fair to report to the subcommittee that we are not able to process or check individual ammunition sales records in any meaningful way particularly in view of the multitude of sales in only sporting ammunition. Whatever manpower would be required to provide adequate checking and policing of this information would, in our view, be better utilized in enforcing other and more critical provisions of the gun laws. While we do not question the value of prohibitions on sales of ammunition to prescribed persons, we have serious questions as to the contribution to enforcement made by keeping records of sales of sporting ammunition.

Now, the fact that a specific bill to repeal a requirement on ammunition was not then before the committee does not invalidate the fact that the Treasury Department representative made this

statement before the committee. I am sure they would make it again today.

Mr. DODD. I can answer that. I presided over those hearings. That bill was not before us. Commissioner Thrower did not address himself to it. I have the record here in front of me. He was not asked about that. It was not before us for consideration. Whatever statement he made about it did not pertain to S. 845, because that bill had been withdrawn.

Mr. BENNETT. That is true, but it is pertinent to the question before us today.

Mr. DODD. Now that is not the question that the Senator is talking about here, in answer to the Senator from Massachusetts. I tell the Senator, it is not so.

Mr. BENNETT. OK.

Mr. KENNEDY. What kind of procedure is this, I am wondering, for hearings on an unrelated matter, from which we get some paragraphs of testimony on a matter which is not even before that committee, to be trotted out as the administration's position on a bill which is not before the committee? What kind of procedure are we coming to?

Mr. BENNETT. The administration has stated its position in letters to the Senator from Connecticut (Mr. DODD), and in letters to me, so there is not any question—

Mr. KENNEDY. Why do they not come up and testify? That is all we are asking. We want to know whether the administration has any kind of position on matters of significance and importance, and after all the time that has been spent on the question by our subcommittee, will they not come up and be questioned on this?

Mr. BENNETT. I think it is unfair to—

Mr. KENNEDY. Why is the Senator from Utah so reluctant to permit the committee that has the proper jurisdiction to hold hearings? The chairman said he would do it in a short period of time and that we would report something out. This is the committee that reported the original gun bill here.

Mr. BENNETT. May I reply to that?

Mr. KENNEDY. Yes.

Mr. BENNETT. It became perfectly obvious to the Senator from Utah that the chairman of the House Judiciary Committee made it clear that even if the committee on this side, and the whole Senate, had approved this kind of legislation and it had been handled by the Judiciary Committee, he would not even take it up. So our problem was to find a way to take it up, and that way was to make use of the jurisdiction the Finance Committee has over taxes, which are involved in this problem—

Mr. KENNEDY. Involved in this problem? Involved in which problem? Involved in the regulations—

Mr. BENNETT. I misstated myself. The Finance Committee has jurisdiction over Internal Revenue Service, which has responsibility for enforcing this legislation.

I am sure that if the Senator from Massachusetts were in the same position the Senator from Utah found himself in on a piece of legislation on which he was being blocked by the unwillingness of somebody either in this body or the other body even to give consideration to his

proposal, he would find some way to get around that roadblock.

Mr. KENNEDY. I can certainly give every assurance to the Senator from Utah, that I would not have done so when we have the proper and appropriate committee of this body, which is willing, as I stated on the floor here, and as was stated to the proponents, that it would have hearings. It is the same committee that has reported out gun control legislation time and time again. It was indicated to the Senator from Utah that the committee would have hearings. I would certainly give that assurance. I would not violate what everybody has always said, that in the Senate we have a committee system, and this is the only way the Senate is going to function. We ought to abide by that principle. But apparently we do not when it comes to regulation of ammunition.

I would like to ask the Senator from Utah how many times the Finance Committee has exercised jurisdiction over gun control.

Mr. BENNETT. I think this is the first time.

Mr. KENNEDY. This is the first time.

Mr. BENNETT. I would like to ask the Senator from Massachusetts how many times he has brought an amendment out that has not had hearings.

Mr. KENNEDY. Not had hearings?

Mr. BENNETT. Yes. That is what the Senator said to me, that here we are bringing forth an amendment without hearings on it.

Mr. KENNEDY. Name one time when I brought one out that has not gone through the committee process anywhere in the Senate, reverse a law passed only a year ago, and is critical to a complex scheme of regulation. This is the matter before us now. The burden is on the Senator from Utah, not on me. The Senator from Utah is the one who is trying to convince the Senate.

Mr. BENNETT. I have been able to convince almost a majority of my colleagues—

Mr. KENNEDY. No one questions that the Senator has the required cosponsorship on this matter. The question comes down to whether we are just going to say, so all the Senate knows and all the American people know, that whenever we have the votes we can go through without any kind of adherence to the Senate's practices, without any kind of committee procedure at all, without respecting the established committee system.

When we are voting on this matter this afternoon, I am going to be extremely interested in how my colleagues vote. Some of them have talked about this tradition to a younger Member of this body, and we go through all the indoctrination that we should go through the system. The Senator from Utah has, on his own admission, said that the matter does not belong in the Finance Committee, but that he is going through it for expeditious reasons.

Mr. BENNETT. I did not say it does not belong in the Judiciary Committee.

Mr. KENNEDY. Would the Senator have done it this way if he had not been given assurance it would not be considered in the House? I thought the Senator said the reason for bringing it up

in the Finance Committee was that the House committee chairman said he would not consider it.

Mr. BENNETT. I did this to get action on the bill, which is perfectly legitimate.

Let me read some of the jurisdiction of the Finance Committee. It has jurisdiction over the National Firearms Act, the Federal Firearms Act, so far as it involves tax on shotguns. It has jurisdiction over excise taxes on ammunition and on firearms. So—

Mr. KENNEDY. If the Senator will just wait a minute, if we could get the precise language, as I do not have it before me. The Senator is talking about the taxing jurisdiction. He is not talking about the present regulation of arms or ammunition. Would the Senator find for me, within the rule book, where the jurisdiction over this particular matter is in the Finance Committee?

Mr. BENNETT. The Senator from Utah will be glad to do that. It will take a minute or two to get that.

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

Mr. KENNEDY. I yield.

Mr. MOSS. We previously had a discussion over whether a form had to be filled out. I have been trying to get one. The distinguished Senator from Connecticut said he would quit if I found one. I will not hold him to that.

Mr. DODD. I want to be held to it.

Mr. MOSS. I have a letter from the Utah State Employees Association on this subject, and enclosed with it is a form that has to be filled out to purchase ammunition. Here it is. It says, record of ammunition sold, date of sale, store number, customer's name and address, date of birth, mode of identification—driver's license, specify what other—caliber, gage, or type of component, manufacturer, sold by, the clerk's name to be signed. So there is a form to be filled out.

Mr. DODD. On those statements, I do not have to quit. That is the seller's form. There is no question about that.

Mr. MOSS. We are talking about who provides the form.

Mr. DODD. I said show me such a form that the purchaser has to fill out.

Mr. KENNEDY. The Senator from Utah mentioned 52,000 duck hunters who were standing in line waiting to fill out forms. Here we find it is actually the seller who is filling them out.

Mr. MOSS. I suppose it can be done two ways. I will concede that the buyer can stand there and dictate each of these items to the seller, and the seller can write them down, and admittedly the seller has to sign the clerk's name. Or it can be done the other way, and the purchaser is told, "Here is the form. You fill it out and come back and we will sell you a box of shotgun shells."

Mr. KENNEDY. Do not the sellers in Utah, when they sell any ammunition, fill out a sales slip?

Mr. MOSS. Not when a customer pays cash.

Mr. KENNEDY. For the purpose of information?

Mr. MOSS. They do not have to give name, address, and kind of caliber. They ring it up on the cash register and the purchaser pays for it. And what would

one do with the form when he fills it out?

Mr. KENNEDY. Does the Senator agree with the Senator from Connecticut that the purchaser himself does not fill out any form?

Mr. MOSS. Yes; I would say he may not have to fill out a form by actually writing it, but he has to provide the information.

Mr. KENNEDY. Is there anything in the regulations adopted in accordance with the Gun Control Act of last year that requires the purchaser of ammunition to fill out a form?

Mr. MOSS. That is my understanding; there is a form required. At least, these people signing petitions tell me that. They have been through the trouble of buying ammunition.

Mr. KENNEDY. I think that is important, because we have heard the Senator from Illinois talk about the burden on the purchaser. I think we are talking, not about the seller, but the hunter, the individual. We were listening to the burden placed on that person to fill out a form in compliance with the regulations. As I remember the discussion, the question was whether there was any obligation on the purchaser himself to fill out any form, or any form required by the regulations. I think what we have proved by this colloquy is that no such form is required. The form that is necessary is for the seller himself, and he has to keep a record. If there is a form required, this is the kind of thing we would get into in a hearing.

Mr. DODD. Yes.

Mr. MOSS. I have given the Senator the specific information, coded with the number: Part 178 of Code of Federal Regulations, "Commerce Firearms and Ammunition," 178.25, effective December 16, 1968, published in the Federal Register.

There are eight items: date, manufacturer, caliber, gage, type of component, quantity, name of purchaser, his address, his date of birth, mode of identification, driver's license or otherwise. Then it must be signed by the seller.

This is directly from the Treasury Department. So this is the requirement we are talking about. Now, this is different from going to buy other things of the type the Senator has been talking about.

He speaks of going in the grocery store. When I go shopping I do not have to list, for example, that I want a Norbest turkey, who packed it, what my address is, and how old I am. Even on items that are controlled rather carefully, as I indicated, like liquor or tobacco, where there is an age limit, the only requirement is that the buyer, through proper identification, convinced the seller that he is of proper age. He does not have to fill out anything. He pays his money, and he goes with the product.

Here we are requiring a lot of data to be recorded. I do not know what is done with it afterward. I understand there is some doubt as to what is done with it. But most important of all, how does it control the situation? If I come walking in and show, by my driver's license, that I am old enough, and I give

my name and address and say I want Remington 30-30, after I get the whole thing filled out and walk away with my box of shells, how is that going to control what I do with them? I might give them to my neighbors. I might carry them around in my pockets for 3 years. I might do any number of things. It does not control at all what those shells are to be used for. So all that has been accomplished is to create a delay, and, as the Senator from Illinois says, some kind of a conviction that we had some control to help cut down on crime. But it does not accomplish that at all.

Mr. KENNEDY. Mr. President, I think there are two points here. First, the question as to what is the burden on the purchaser, I think, this dialog has cleared up quite well. It was illustrated well, I think, by the example given by the Senator from Connecticut, and I think it has been established here this afternoon that it does not really add any additional burden on him. It does add some additional paperwork as far as the seller himself is concerned, but the question of the regulations and how they could be altered or adjusted is certainly a reasonable area for inquiry by the Subcommittee on Juvenile Delinquency; and if that card itself could be restructured or changed or altered—as perhaps it should be, I am not prepared to say whether it should or not—it certainly seems to me that it is not inappropriate for the committee that has jurisdiction to hold some hearings on that subject, and listen to sportsmen, law enforcement officers, manufacturers, small businessmen, and others to find out.

They might say, "Well, we could achieve the purpose of the law more easily if we just altered that card a little, like this or that, and then it would not really be an additional burden." Why is it so unreasonable? When we have regulations in the law that have only been on the books for some 10 months, and we have no testimony, why is it so unreasonable to have the committee which has jurisdiction hold some hearings on it, with the assurance of the chairman of that committee that the Senate will be able to respond? Why is that so unreasonable?

Mr. MOSS. Mr. President, if I may respond. Of course, I believe that under normal circumstances we would have hearings, and all sides should be heard. But, as the Senator pointed out, this has only been on the books now for a matter of 6 or 8 months, or effective that long.

Mr. DODD. It has been in effect for almost a year.

Mr. MOSS. Well, I was going by the date when this legislation became effective, December 16, 1968.

Whether or not it is acceptable in my State is clear right here. I have bales of petitions. Everyone who is a sportsman—and that is nearly everyone in my State—has run into the problem, and they are signing these and sending them in. Every day's mail brings me 200 or 300 more.

Mr. KENNEDY. The point is that even though the Senator from Utah has the cosponsorship, has 51 or 52 votes, why is it so unreasonable to say that we ought

to be able to have some hearings on this matter? I ask him, why is that such an unreasonable request?

Mr. MOSS. I think the answer has been given by my senior colleague. First of all, there is the problem, of course, of getting legislation through both Houses of Congress. This one looks very doubtful on the other side, where it has to go through the Committee on the Judiciary.

Secondly, we are right up against the problem now. As I said earlier, our people are standing in line now, trying to buy a box of shotgun shells. They either have to fill out the form or stand there and tell the clerk all these items that I read off, and he has to write them all down on a piece of paper, before he is allowed to go to the shelf and get the box of shotgun shells and give it to the man who has the money ready to pay him.

When he has the sale made, and the form is in his hands, he has to do something with the form. I guess he has to mail it to the Treasury. They are the ones who made the requirement. And when all is said and done, you have not accomplished anything except to require 10 or 15 minutes to make a sale that ought to take less than five.

So we are just piling up a futile requirement that accomplishes nothing. It does not accomplish anything. We wonder why our people are restive about the bureaucracy and the long hand of the Federal Government reaching into everything. When we compel them to do something that does not make sense, of course they rebel.

Mr. KENNEDY. As I understand these petition forms, they are not unlike the forms that were conceived and sponsored last year by the NRA. The ones I received from the Senator are all identical.

Mr. DODD. If the Senator will yield, I think I can resolve that problem. I have in my hand a copy of the regulations, published in the Federal Register which sets out word for word just what has to be done under the Gun Act. It specifically says, on page 14 thereof what the licensed dealer has to do. The very form that has been read over and over here is the one that is set out in the regulations as the form the seller has to fill out, and not the purchaser.

Here it is. It not only spells it all out, but it requires the licensee to keep a ledger like the one I have in my hand and which they do keep anyway as prudent businessmen.

Mr. MOSS. Where does the seller get the information?

Mr. DODD. He finds the requirements in the regulations.

Mr. MOSS. No; to put on the form.

Mr. DODD. The licensed dealer obtains the information.

Mr. MOSS. The seller gets it from the buyer, does he not?

Mr. DODD. The seller obtains the name, age, and address of the buyer.

Mr. MOSS. How would the seller know the name? How would he know the address?

Mr. DODD. He would ask it.

Mr. MOSS. Well, of course; he gets the information from the buyer.

Mr. DODD. And the age the same way, and that is all he has to obtain from him.

Mr. MOSS. Plus what he wants to buy, how many shells he wants, what caliber or gage, what manufacturer's shells he wants, and all the rest of it. And the date of birth, and so on.

Mr. DODD. Well, he would have to ask some questions if he wants to sell anything.

Mr. MOSS. No; I can go in the supermarket and pick something off the shelf, and walk by the cash register and pay for it, and I do not have to give my age or anything else.

Mr. KENNEDY. Mr. President, on the various forms that have been sent in and signed here, it says, "We, the undersigned citizens, respectfully request that you make every effort to persuade the Treasury Department and Congress to eliminate registration requirements on purchases of shotgun and rifle ammunition."

Has the Treasury Department had any hearings on these regulations?

Mr. MOSS. They did, through publication in the Federal Register and receiving comments. This is the form that was published in the Federal Register, and had to be published for 30 days before it became effective.

Mr. DODD. The Treasury Department did have hearings on the proposed regulations.

Mr. KENNEDY. Was that done before the regulations were established?

Mr. DODD. Yes; before they were promulgated.

Mr. KENNEDY. Mr. President, can the Senator from Utah describe the nature of the hearings held by the Treasury Department?

Mr. MOSS. I do not have firsthand knowledge, but I know the procedure, and I know that there is a time when people can be heard.

Mr. KENNEDY. I understand they held those hearings before issuing the regulations.

Mr. DODD. Yes.

Mr. KENNEDY. They took into consideration various matters and then promulgated the regulations.

Mr. DODD. That is exactly what happened.

Mr. KENNEDY. Does the junior Senator from Utah or the senior Senator from Utah know whether there have been any additional hearings held by the Treasury Department on suggestions to revise the current regulations?

Mr. BENNETT. I understand that the regulations have not been changed since written by the previous administration.

Mr. KENNEDY. That was not my question. My question was whether, in view of the talk about their being dissatisfaction with the current regulations, the Treasury Department has held any hearings on the matter. Do we have any help and assistance from the Treasury Department?

Mr. BENNETT. I do not think the Treasury Department is under the obligation to hold hearings. I think it has checked the situation in the field.

Mr. KENNEDY. Does the Treasury Department hold hearings prior to estab-

lishing regulations and publishing them in the Federal Register?

Mr. BENNETT. I think the Senator from Connecticut said that the Treasury Department held hearings before the regulations were written in the first place. It has not changed those regulations since, I think, hoping that we could change the law so that the regulations would be automatically reached.

Mr. KENNEDY. The point I am making is that I understand the Treasury Department, after laws are passed and prior to issuing regulations, holds certain hearings. They did so in this instance, and they took into consideration the different viewpoints and then issued certain regulations. Now the Senators from Utah say the regulations are not functioning because of letters or an exchange of individual correspondence—to my knowledge the Finance Committee has not received it—to the effect that the regulations are not working.

I am asking whether the Treasury Department, because of their anxiety about the regulations and their belief that they do not work, has tried to change the regulations.

Mr. BENNETT. Mr. President, the information we got was that if this measure were passed, that would take care of the matter, and there would not have to be any further regulations.

Mr. KENNEDY. No effort has been made in the Treasury Department, at least none that can be testified to, and no witnesses were heard either before Congress or the Treasury Department on these regulations to express dissatisfaction, which is really a routine matter. When the Treasury Department imposes regulations which some term unsatisfactory, it can, as is done in other departments, hold hearings to discover if there is legitimate dissatisfaction, and they can offer to change the regulation. If that does not satisfy the situation, they then offer recommendations to Congress.

They made no effort to do this at all in this case. The Senator cannot show us where the Treasury Department was so worked up that they made any effort to accommodate the situation the junior Senator from Utah talks about with relation to forms that must be filled out.

We have no record of hearings. We have a questionable exercise of jurisdiction. I note that the chairman of the Committee on the Judiciary is present. We know how important it is to maintain the integrity of the committee system. And we have the assurances of the chairman of the Subcommittee on Juvenile Delinquency that he will see that we have expeditious action.

Mr. DODD. Mr. President, I should like to ask the Senator from Utah a question. Perhaps we can resolve the matter. Would the Senator be willing to agree that we not deliberate this matter further today, but that the amendment be referred to our subcommittee? We will hold hearings beginning on Monday morning, and we promise to conclude them in a matter of 4 or 5 days. The matter will then be referred to the Finance Committee for approval or disapproval.

The Finance Committee can hold

hearings if it desires. We will then have had hearings before our committee which has jurisdiction and also before the Finance Committee, which I am willing to give concurrent jurisdiction. We will have heard from people on both sides of the issue. We will have the hard facts and the information we need. It will be far better than the attempt to emasculate the gun bill in this fashion.

One Senator says that a long form has to be filled out, and another says that it is not the case. There have been no hearings and we have no hearing record. That is why the facts are in conflict.

Mr. KENNEDY. Mr. President, I think it is a thoroughly accommodating gesture by the Senator from Connecticut. I would hope that sufficient questions have been raised during the course of the debate this afternoon to show that this is a very reasonable request.

As I understand it, the Senator from Connecticut would hold hearings and he would be willing to schedule them on Monday. He would then be willing to refer the measure to the Finance Committee, and that committee could then act on the measure.

Mr. DODD. The Senator is correct. I am sure that we can do that. That course of action would also get around the objection of the Senator concerning the House Judiciary Committee.

Mr. BENNETT. Mr. President, no attempt would have ever been made to take the measure out of the jurisdiction of any committee if there had been any opportunity to get the measure passed by both Houses.

To go back at this time as a matter of procedure and to retreat from this point and have hearings before the Judiciary Committee and then refer the matter to the Finance Committee and then have it brought back to the floor and return to the same situation in which we are now would seem to me to be an exercise in futility and a complete waste of time.

I think that everyone understands the problem.

I think there was testimony before the Senator's committee on this subject. I do not know whether it was directed to the specific bill before the committee at this time.

I do not think we would get any more information. I think it is perfectly within the pattern of the operation of the Senate that an amendment like this could be offered on the floor without even having committee consideration. This measure had committee consideration by the Finance Committee and was reported by the Finance Committee. The Finance Committee is buried in the job of writing a tax bill. We can assume that after the tax reform bill gets to the floor of the Senate, the committee will be deeply involved in that matter for the length of time it will take to debate and consider the matter. There will be no opportunity then to get further Finance Committee deliberation of this measure for a long time to come.

I see no reason why we should turn around and go back to this process again in order to get back to where we are now.

Mr. DODD. Mr. President, we would

not have to do it again. We have not done it at all.

Mr. KENNEDY. Mr. President, the Senator from Connecticut has been very reasonable in his suggestion as to a way in which to get by this impasse.

I know that the distinguished chairman of the House Judiciary Committee, Representative CELLER, has been represented here as being an obstructionist. I think that is an unreasonable and an unfair characterization.

Mr. BENNETT. Mr. President, I did not say that. I said that he would not take up this bill or any bill affecting gun legislation at this session of the Congress.

That does not call him an obstructionist. It represents a policy he is following that constitutes an effective block to this kind of legislation.

I think that if the Senator from Massachusetts were in my place, he would have done as I have done and tried to find a way around the block.

Mr. KENNEDY. Mr. President, does not the Senator believe that if the Committee on the Judiciary passed the measure, the House would be under a compulsion to give the matter some consideration? Would not the position of the Senator be stronger if the measure went through the route suggested by the Senator from Connecticut and hearings were held before the Judiciary Committee and then the Finance Committee considered it, and the matter was then considered on the floor of the Senate? If the House of Representatives then failed to take action, the Senator could come back to this forum and demand some kind of action. It would be a stronger position to be in than to make some comments on information that the Senator is privy to, but of which I am unaware.

Mr. BENNETT. It is in the RECORD.

Mr. KENNEDY. Certainly it would be a good deal more understandable if we had gone that route and failed to get any kind of action and then come back to the consideration of this matter through the Committee on Finance. Does the Senator think that the request of the Senator from Connecticut is an unreasonable one?

Mr. BENNETT. I think it is an unnecessary waste of time. We have come to this position. The Senator from Connecticut says he is going to make a motion to table it. Let us have him make his motion, and let us find out how strong my position is. I am perfectly willing to leave it to the decision of the Senate. If the Senator from Connecticut delays his motion too long, I may have to make a similar motion, even though I vote against it, in order to bring to a close what I think is superfluous and unnecessary debate.

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

Mr. KENNEDY. I yield.

Mr. DODD. I do not know that Representative CELLER ever made any such statement, and if the Senator from Utah does, I think it would be helpful to all of us if he would tell us when and where.

Mr. BENNETT. This word came to me early in the year, at the time I asked the Senator from Connecticut to abandon consideration of 845. It has been

confirmed within the last 48 hours. He is going to object to the House consideration of this bill if it comes there.

Mr. DODD. This is a different matter. With this amended bill and the way it is being handled in the Senate, I can understand his objection, and I think he is right. There has been no hearing in the Senate and no hearing in the House. It would be run through the Senate as a Christmas tree present, on a bill to which it is wholly unrelated.

I wonder whether the Senator is sure that the chairman of the House committee ever said he would obstruct any amendment that came to that body from the Senate. I would have grave doubts about that.

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

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

Mr. KENNEDY. As to the point made by the Senator from Connecticut about "this word," does the Senator from Utah have a letter from Representative CELLER?

Mr. BENNETT. The Senator from Utah has no letter.

Mr. KENNEDY. Does he have any quotation that has appeared in a reputable newspaper?

Mr. BENNETT. The Senator from Massachusetts pays no attention to letters. He has just announced the insufficiency of the letters from the Treasury Department, so why should the Senator from Utah be concerned about his getting a letter?

Mr. KENNEDY. I was wondering about the basis for the representation that the Representative from New York said there would be no action. Is it in the RECORD?

Mr. BENNETT. It is not in the RECORD. But the Senator from Utah is satisfied. If the Senator from Massachusetts is not satisfied and would like to talk to the Representative from New York, the chairman of the committee, he may do so. But so far as the Senator from Utah is concerned, after many months of trying to work this problem out, we have come to this point; and the Senator from Utah is perfectly content to have the Senate make its decision, rather than go back and go through the chairs again and return to this point.

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield?

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

Mr. KENNEDY. I think the Senator from Nevada asked me to yield before. I yield to the Senator from Nevada.

Mr. CANNON. What is the purpose of obtaining the information in the form that is required?

Mr. KENNEDY. The purpose for obtaining the information on the form?

Mr. CANNON. The form that is required under the regulation.

Mr. KENNEDY. It is to meet what has been outlined day after day, month after month, year after year, in hearings of the Subcommittee on Juvenile Delinquency, conducted by the distinguished Senator from Connecticut, and which has been outlined in the Crime Commission report. It is the facility which mental incompetents, juvenile delinquents, and

known felons have to acquire ammunition and arms. That is the thrust and the purpose of the inclusion of that requirement in the gun law of last year and for the propounding of these regulations.

Mr. CANNON. If that is the purpose, may I ask the Senator this question: Is there a question in the form that asks a man if he has ever been convicted of a felony? Is any such question in that form?

Mr. KENNEDY. There is provision in terms of age, in terms of name and address. Certainly a felon will hesitate before he puts that information on the record in connection with a purchase of bullets.

Mr. CANNON. I did not ask about age. I asked about a felony.

Mr. DODD. I can say there is not, and I do not think there should be.

Mr. CANNON. Mr. President, who has the floor?

Mr. KENNEDY. I have the floor.

Mr. CANNON. I am confused.

Mr. DODD. I think I can help.

These regulations were written pursuant to the passage of the Gun Control Act and as required by the act. They were written by the Secretary of the Treasury in order to make it impossible, if we can, for, as the Senator from Massachusetts pointed out, juveniles, mental incompetents, felons, and addicts to get—

Mr. DOMINICK. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. It is my understanding that the Senator can yield only for the purpose of a question, not for the purpose of allowing everybody else to make speeches.

The PRESIDING OFFICER. The Senator from Colorado is correct.

Mr. CANNON. My question was this: Where is anything in this form that indicates whether a person has or has not ever been convicted of a felony? I do not find anything in the form that relates to a felony.

Mr. KENNEDY. Whether we should have that requirement might be one of the things to be gone into in hearings, if we were permitted to consider this matter in committee.

Mr. CANNON. The only thing I can find in relation to the purposes stated is the question on date of birth. I do not know why a person has to have the person's name or the name of the manufacturer if they are concerned about the date of birth.

Mr. KENNEDY. Perhaps the point that the Senator from Nevada makes about the question of the felony should be on there. Perhaps we ought to have a hearing and find out whether the law enforcement people of this country feel it would be useful to have that on there, and whether it might properly be required. That is the kind of thing I would hope we could look into. Perhaps it should be on the form, and that may be one of the matters the committee would go into.

Mr. CANNON. Is it now the law that it is unlawful to sell to a person who has been convicted of a felony? Is that a provision in the law?

Mr. KENNEDY. To knowingly sell, I believe.

Mr. CANNON. And is it in the law that it is unlawful to knowingly sell to a person under the age of majority?

Mr. KENNEDY. That is correct.

Mr. CANNON. Under what age—18 or 21?

Mr. KENNEDY. It depends on the weapon. On the long gun it is 18, and on the handgun it is 21.

Mr. CANNON. So where the majority is 21 in some States, they can sell to someone under the age of 21?

Mr. KENNEDY. We establish it. It is a national regulation. It is 21 for handguns and 18 for the long guns.

Mr. CANNON. Does the Senator feel that this form helps to achieve the purpose he has intended or that it imposes an unreasonable burden on people who want to buy ammunition for sporting purposes?

Mr. KENNEDY. As we brought out in the dialog, there really is very little additional burden on any purchaser when he goes in to buy ammunition.

It is the belief of principal law enforcement personnel that this is helpful in identifying the violators and felons. An example of that was cited earlier by the distinguished Senator from Connecticut—the fact that 21 percent of the District of Columbia people who bought ammunition in Maryland had a felony background. I think it is helpful to illustrate that.

I think it is useful and it is helpful. If we are going to change that requirement, I think we should find out by hearings how helpful and useful it has been and can be. I believe it is helpful. I think a case has been made.

Mr. CANNON. The Senator says this is useful in determining law violators who get access to this ammunition. How is that helpful to law-enforcement people? Are these forms turned over to the law-enforcement people?

Mr. KENNEDY. They can be. For example, in the District of Columbia they have computer lists of the names of known felons. When someone who is a known felon buys ammunition, they can check this. It depends on the law-enforcement agency as to whether they are doing this or not.

Mr. CANNON. Who keeps the records on this? Who keeps these records which are filled out by the hundreds of thousands at the local stores?

Mr. KENNEDY. They are available to law-enforcement personnel. It is up to them.

Mr. CANNON. Are they furnished to the law-enforcement agencies?

Mr. KENNEDY. It is up to the law-enforcement personnel if they want to pursue them. That is one of the questions here. Is the law being adequately used?

Mr. CANNON. If they want to go and examine them?

Mr. KENNEDY. That is correct.

Mr. CANNON. But the forms are not furnished them?

Mr. KENNEDY. They are available.

Mr. CANNON. What does the Senator mean?

Mr. KENNEDY. Just the common understanding of the word "available."

Mr. CANNON. Does the Senator mean the forms are there for the law-enforcement agencies if they want the forms?

Mr. KENNEDY. The Senator is correct.

Mr. BENNETT. Mr. President, may I answer the question?

The PRESIDING OFFICER (Mr. STEVENS in the chair). Does the Senator from Massachusetts yield?

Mr. KENNEDY. Mr. President—

Mr. BENNETT. I can answer the question in two words. The law requires dealers to keep the records 2 years.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. CANNON. There is no requirement that these forms be furnished to the law-enforcement agency. Is that correct?

Mr. KENNEDY. The Senator is correct, except that such agencies may inspect them on request.

Mr. CANNON. Is there any requirement on the law-enforcement agency to go and examine these forms at any time?

Mr. KENNEDY. There is no requirement, as such, but any agency doing its job should do so, at least on a spot check basis.

Mr. CANNON. Does the law require the dealer to keep the records for 2 years, then burn them, throw them away, or do what he wishes with them?

Mr. KENNEDY. I understand they have to keep them for 2 years as a minimum. What happens after that I do not know.

Mr. CANNON. This is helpful to the law-enforcement agency only if the law-enforcement agency decides they are going to go to every gun dealer in the city and examine all the records of sales.

Is there any provision that the records are kept in alphabetical order?

Mr. KENNEDY. No.

Mr. CANNON. Does the Senator think that the law-enforcement officer in one of the cities in my State, where hundreds of thousands of boxes of ammunition are sold in a year for sporting purposes, is going to go through an alphabetized list to see who furnished that information? Does the Senator believe that is going to happen?

Mr. KENNEDY. No. I believe what could very well happen there would be what could now happen in the District of Columbia. The District has a computerized system of names and addresses of known felons. Although it depends widely on the disposition of the law enforcement personnel this can give an additional kind of help in prosecution. Spot checking would be very easy. And, it would limit the sales of ammunition with respect to juveniles, felons, drug addicts, mental defectives and so forth, because they would be deterred from identifying themselves for the record.

Certainly if they so choose, the law enforcement agencies can check through the list and prosecute. They could be doing that at the present time. It is not widely done but this is one of the reasons gun control has been recommended by the Crime Commission. The Crime Commission has made a long study about how to alleviate problems involved in law and order, and gun control was high on its list. I think it is probably

a useful step. If it is not, I think it would be helpful to find out why.

I think the Senator should have his law enforcement personnel in from Nevada and other States come here so we can find out.

Mr. CANNON. If we can save them a trip back here, I would be glad to give the Senator correspondence about the matter from a number of my constituents. It would save them a trip back here. They explain it pretty well in a letter with an airmail stamp.

Mr. KENNEDY. That could be a part of the record, but we have no record now.

Mr. CANNON. Other than what the Senator has just said, is there any other useful purpose in this recordkeeping exercise?

Mr. TYDINGS. Mr. President, will the Senator yield for the purpose of a few questions that might get to the heart of the questions that the Senator from Nevada is asking?

Mr. KENNEDY. I yield.

Several Senators addressed the Chair. Mr. DOMINICK. Mr. President, may we have order?

Mr. KENNEDY. Mr. President, I yield for a question to the Senator from Maryland.

Mr. TYDINGS. I am directing this question to the Senator from Massachusetts.

Mr. DOMINICK. To whom is the Senator from Massachusetts yielding?

Mr. KENNEDY. I yield to the Senator from Maryland.

Mr. PASTORE. For a question.

Mr. TYDINGS. Is it not a fact that, during the debate last year that took place in this Chamber when the question of keeping records on the sale of ammunition came up, was debated, and was carried, the reason or one of the reasons why the issue carried was that there are provisions in the law—specifically section 922(b) which prohibits any licensed gun dealer to sell ammunition to a minor, section 922(b)(2) which prohibits any licensed gun dealer to sell ammunition to any person in violation of local law, section 922(d)(1) which prohibits any licensed gun dealer from selling to any person under indictment, section 922(d)(2) which prohibits any licensed gun dealer from selling ammunition to any fugitive, section 922(d)(3) which prohibits any licensed gun dealer from selling to any known drug user, section 922(d)(4) which prohibits any licensed dealer from selling to any mental defective—which could be more easily enforced; and, as a matter of fact, are almost impossible of enforcement unless the licensed gun dealer took the very minor step of requiring the name, address, and age of the individual; and was it not further brought up in the course of the debate that the mere fact that the fugitive, minor, narcotic addict, or mentally defective individual knew he would have to give his name, address, and age to a licensed gun dealer might dissuade that person from buying ammunition; and was that not debated and was that not one of the issues on which the Senate based its judgment in adopting this measure?

Mr. KENNEDY. That is correct. I yield the floor.

Several Senators addressed the Chair. Mr. DOMINICK. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. DOMINICK. Mr. President, I shall be very brief in connection with this matter and I shall be happy to yield to anyone who wishes to ask a question or two.

The thing that I think should be placed in summary form is the requirement that every small or large ammunition dealer must keep a record. This has been referred to by the Senator from Nevada (Mr. CANNON). The record has to be kept for a minimum of 2 years. The record is not forwarded to the Treasury Department. No copy of the record goes to the local police officials. There are no standard forms for use. Many of the records are kept on plain lined paper. There are no separate sheets for each sale. One would have to look through them all to find any one purchase. The records probably are not filed alphabetically in most cases. All I can see that they have is a mountain of paper, which certainly does not prevent crime.

It strikes me that in giving one's name, address, age, and producing a driver's license, there is nothing that would prevent anybody from going in and getting the ammunition. This requirement is no deterrent to any criminal. Therefore, we have not passed anything in the way of helpful legislation to deal with the problem of reducing the use of firearms in the commission of crimes. Since we have not cured anything, let us get rid of it. Why burden everyone with the problem, whether it is this paperwork or the desire of a sportsman to go hunting?

In the Select Committee on Small Business one of the most tremendous problems we have discovered in the entire country, is the number of separate forms and the great amount of papers that small businessmen have to fill out, at great expense and loss of time. Where the forms are not useful, they should not be required.

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

Mr. DOMINICK. I yield.

Mr. CANNON. I would like to ask the Senator if there is anything on the form, in the information that is required, that would be helpful to achieve the purposes the Senator from Massachusetts said were intended, other than the age of the person?

Mr. DOMINICK. No. I was going to say, age is the only information furnished.

Mr. CANNON. And could not age be ascertained from the driver's license or any other card without necessity for requiring name, address, rank and serial number, as we used to say in the service.

Mr. DOMINICK. The Senator is correct. Anyone can say anything he wants to say as long as he has a name matching the card he produces.

Mr. CANNON. Is there anything indicating the man has been convicted of a felony, that he is a narcotic user, or likely to be a narcotic user, or anything

that might lead one to believe the purchaser is going out to commit a felony?

Mr. DOMINICK. No, and I might say if those questions were added it probably would be self-incrimination, which would be unconstitutional.

Mr. CANNON. Does the Senator believe that the Treasury Department would come in and say it does not believe this provision is helpful for the purpose intended in the law? Does the Senator think they would say that, if it were not so?

Mr. DOMINICK. No, sir, I do not. That is a good point to bring up.

Mr. BENNETT. Will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. BENNETT. Suppose this process turned up the fact that a convicted felon had actually purchased ammunition? Is there anything that the Treasury Department could do about it? Could it take that ammunition away and throw him in jail for buying ammunition just because he was a convicted felon?

Mr. DOMINICK. That is another thing I was going to say. I am glad the Senator brought it up. I do not believe there is anything in the law that would permit the Treasury Department to take such action. The fact that he has brought some ammunition does not mean that he is going out to shoot his next door neighbor. This registration is not under oath. It adds no new violation for which a felon could be prosecuted. The paperwork provides no new tool for law-enforcement officers.

Mr. JAVITS. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. JAVITS. The Senator knows that I have taken a position very strongly for gun control. I am also the ranking member of the Small Business Committee which is deeply interested in the proliferation of paperwork. Let me tell the Senator what troubles me.

Mr. PASTORE. Will the Senator please speak louder so that we can hear him?

Mr. JAVITS. I will.

Mr. PASTORE. We want to be in on it.

Mr. JAVITS. Two questions trouble me.

One, it is not the judgment of the Senator that, by adopting this amendment, we are beginning to erode the Gun Control Act? People like myself, who strongly favored that legislation would be deeply concerned about that. This amendment, in and of itself, may not be a consequential matter, but it begins to erode by peripheral means—through an unrelated revenue bill—the Gun Control Act—a bill, which was not any too strong to begin with.

Mr. DOMINICK. Let me answer that question first. There is no erosion when we get rid of a piece of deadwood that has been attached to the bill which is not accomplishing a thing in the way of the intent of those in favor of gun control. These regulations are in fact building more opposition to gun control. Though I do not favor gun registration, it seems to me this present requirement is counterproductive.

Mr. JAVITS. That is the Senator's opinion, and I respect it, but he is not very favorable to gun control. I do not share his view.

Mr. DOMINICK. No. I might say, however, that this is the opinion the Department of Justice and one other agency—

Mr. BENNETT. The Treasury Department.

Mr. DOMINICK. Yes, the Treasury Department. We have already made the record on that, thanks to the Senator from Utah.

Mr. JAVITS. Second, would it not be desirable to have someone examine this situation in order to check on the concerns which the Senator from Maryland (Mr. TYDINGS) expressed in his leading question. Such information would be useful in terms of identifying prohibited purchasers at least to find who they are, and get after the dealer?

If present regulations are onerous, if they are not really required or can be simplified, at least, we should seek to find some way to reconcile the necessity of ascertaining prohibited purchasers and the need for simplifying record-keeping. That sort of study is preferable to adding this provision and insisting on forcing it through. Should not we, at least, try to reconcile this objective to the broader purposes?

Mr. DOMINICK. I would say to the Senator from New York that we are entering into the hunting season on a nationwide basis, and that we already have substantial evidence that this particular series of certificates is not doing anyone any good but is creating enormous animosity all around the country. If we really want to try to do something which we think would be more effective, then we should hold hearings and vote on it after we have eliminated these perfectly useless regulations. I see no point in retaining a provision which accomplishes no end except filling out more papers. Later on we can do something more about it, if that is the will of Congress.

Mr. JAVITS. The Senator from Colorado has a right to call this a "useless regulation," but I would say—

Mr. DOMINICK. Yes, the Senator from Colorado feels that way. That is the reason I stated it. I cannot see anything useful in it.

The Senator from Connecticut and the Senator from Maryland have not pointed out a single case where this type of certificate has been useful to law-enforcement officers in arresting or sentencing anyone, or preventing the commission of a crime.

Mr. JAVITS. I thank my colleague from Colorado. I cannot agree with him, but I thank him for his frankness.

Mr. PASTORE. Mr. President, will the Senator from Colorado yield on that very point?

Mr. DOMINICK. At this time, Mr. President, I yield to the Senator from Pennsylvania, and then I will come back to the Senator from Rhode Island.

Mr. SCOTT. Mr. President, would not the Senator agree that no law enforcement purpose is served by the present system and that it has operated in a way which serves merely to harass the law-abiding sportsman?

Mr. DOMINICK. I would certainly agree, yes.

Mr. SCOTT. Would the Senator not agree that if this provision were repealed,

in no way would enforcement of criminal law be impeded to the disadvantage of law enforcement officers?

Mr. DOMINICK. That is totally correct. There are still prohibitions in the law, as referred to by the Senator from Maryland, concerning the prohibition against selling to minors, delinquents, and so forth. In addition this provision would not affect the regulations on the sale of ammunition for handguns. It affects only rifle and shotgun shells.

Mr. SCOTT. Mr. President, I am a co-sponsor of the amendment of the distinguished Senator from Utah (Mr. BENNETT) to the tax equalization legislation before this body. This rider repeals the burdensome rifle and shotgun ammunition sales registration requirements of the Gun Control Act of 1968. I joined as a sponsor of this amendment and support it now because I believe that provision of the Gun Control Act places an unfair burden on the great majority of law-abiding citizens in this country including over a million Pennsylvania sportsmen. I am particularly concerned about the seemingly endless forms which sportsmen have had to fill out for the Alcohol Tax Division of the Internal Revenue Service. I have long been concerned that the present methods of enforcement go beyond the intent of Congress and serve no useful purpose. I have been informed by the Secretary of the Treasury that this information has not been properly utilized in Washington due to the impossible task of working with the millions of registration statements. In addition, it is not possible to trace this sport ammunition in an accurate way. I want to assure sportsmen that they are not being treated like criminals. Several months ago, I promised Pennsylvania sportsmen that I would do everything possible to eliminate these registration requirements before the hunting season began. In urging your support of this measure, I am cognizant of the controversy involved, but I urge that the burdensome and bureaucratic ammunition sales registration system now imposed does nothing to control crime or criminals. No law enforcement purpose is served by the present system which as operated in a way which merely harasses the law-abiding sportsmen. I urge that this body repeal those provisions of the Gun Control Act of 1968 which provides for sportsmen's registration requirements for high-powered rifle or shotgun ammunition.

I recognize that the only way a divided Democratic leadership would move this legislation on the floor was to remove .22 caliber rimfire ammunition from the amendment. I want to assure the sportsmen of Pennsylvania that I will continue to work to repeal those registration requirements as well as the ones I urge the Senate to repeal today.

Mr. DOMINICK. Mr. President, I am happy to yield now to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I was a little surprised at the assertions which were made by the Senator from Colorado, who used the rationale that up to this time not one criminal has been turned up as having gone into an am-

munition purchase shop to buy these long-gun bullets.

Mr. DOMINICK. I did not say that, if I may say so to the—

Mr. PASTORE. Will the Senator repeat again for my benefit what he did say?

Mr. DOMINICK. I said that I had not heard from any of the opponents where this particular provision had helped the police to arrest someone because of this registration.

Mr. PASTORE. On that same score, could it not be that the chances are this law has worked and criminals have been deterred from purchasing these long-gun bullets?

Mr. DOMINICK. Only if one assumes that every criminal is a creep or an imbecile. I certainly do not think so.

Mr. PASTORE. I think they are despicable and imbecilic. They are creeps. I think they should stop buying long-gun bullets. I think we should do everything to stop them from buying long-gun bullets. That is exactly what we should try to do.

Mr. DOMINICK. I could wave the flag in the same way.

Mr. PASTORE. I am not waving the flag. I am waving a little logic.

Mr. DOMINICK. So am I. If the Senator can point out where the certificates are doing anything in the way of preventing anyone from buying bullets, if they want to buy bullets, I should like to hear it.

Mr. PASTORE. I shall have my turn when the Senator sits down.

Mr. KENNEDY. Will the Senator from Colorado yield for a question?

Mr. DOMINICK. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Was not the Senator on the floor when, earlier in the afternoon, the distinguished Senator from Connecticut pointed out that yesterday the personnel on his staff went to a sports shop over the Maryland line and recorded for a period of 1 hour the names of purchasers of ammunition which would be included in the Bennett amendment, and then researched police records in the District of Columbia—and found that 21 percent of the District of Columbia residents who had purchased that ammunition over there in Maryland were felons.

It seems to me, Mr. President, that if we require the names and addresses of purchasers of ammunition from a driver's license, a draft card, a credit card, or whatever, it is most difficult not to agree that law enforcement personnel would be greatly assisted, in finding criminals if they are interested in doing so, felons and potential felons would be deterred, and the cause of crime prevention furthered. To say otherwise, Mr. President, is indefensible, in my opinion.

Mr. DOMINICK. I say, it is unusual that members of a Senator's staff had to go down, and the police did not. I do not think we can prove anything by the fact that a criminal bought some ammunition. This provision will not keep criminals from obtaining ammunition.

Mr. KENNEDY. Yes, but that is the point. This has only been the law for 10 months. What we are really doing is

changing it before it has ever been given a trial.

Mr. DOMINICK. Is the Senator asking me a question?

Mr. KENNEDY. Yes; I am asking a question.

Mr. DOMINICK. Let us ask a question; let us not make a speech.

Mr. KENNEDY. Is it not so? Is it not so that the staff went down there and located this?

Mr. DOMINICK. I do not know.

Mr. KENNEDY. And that 21 percent of those people had committed crimes? And is it not so, further, that this provision has not been given a reasonable period of time so that the law enforcement people of this country could give it a full chance? And is it not so, further, that it would be useful—

Mr. DOMINICK. Before the Senator goes so far in his question, will he give me a chance to answer?

Mr. KENNEDY. I will finish it in just 1 second.

The PRESIDING OFFICER. Does the Senator yield for the question?

Mr. DOMINICK. I yield for a question.

Mr. KENNEDY. Is it not so that, in order to ascertain whether this provision would be beneficial to the law enforcement personnel of this country it would have been helpful, to have had them testify before a committee of this body? Would it not have been helpful to have heard their testimony? Then we would not have to be speculating on whether this provision deters crime and whether the forms ought to be changed.

Mr. DOMINICK. Let me answer before the Senator starts making more speeches. First, I have no reason to doubt that the staff of the Senator from Connecticut went there and made this investigation.

Second, I have not seen it, so I do not know what it says.

Mr. KENNEDY. Will the Senator yield?

Mr. DOMINICK. No; I refuse to yield until I finish answering the Senator's question.

Third, I have no doubt somebody found that they had some kind of record whether just arrests or actual convictions, and that the percentage was 21. I do not know what kind of crimes they committed, whether they were for parking, speeding, armed felonies, or what they were.

Fourth, I do not know that this has a single thing to do with what we are talking about, because the police did not find them, they have not used the registration forms, and there has been no case cited to show that this provision has any effect on law enforcement procedures.

As far as hearings are concerned, the Senator from Connecticut, the Senator from Massachusetts, or any other Senator whose committee has jurisdiction over the matter can hold all the hearings they want. I will be delighted to come in and testify. But let us go ahead now and have a decision on this question.

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

Mr. DOMINICK. I yield.

Mr. CANNON. Is it not a fact that we have here eloquent testimony—more eloquent than could be produced in any

committee hearing—against this kind of recordkeeping by reason of the statement of what has already been found there by the recordkeeping? If 21 percent of the people who bought ammunition in that place in Maryland were convicted felons, I do not know what other evidence one could find to show that this provision of the law is completely unreasonable, irresponsible, and ineffective. Is that not a fact?

Mr. DOMINICK. I presume the Senator from Nevada is asking my opinion on this. All I can say is that I cannot see that this provision is going to be useful in that way. It has not prevented felons from purchasing ammunition. It would probably be unconstitutional to require a person to write down whether or not he was a convicted felon. I cannot see where the police have inspected these records and really used them. So I would tend to agree with the Senator from Nevada.

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

Mr. DOMINICK. I yield.

Mr. DODD. The Senator from Nevada complains that we detected only 21 percent of the purchasers with criminal records. Before the Gun Control Act was passed, similar checks a year ago showed that 70 percent of such purchasers had criminal records. I am sure the Senator from Nevada will be interested in that. He says the law is no good.

Mr. DOMINICK. Does the Senator intimate that a year ago, before the law went into effect, Maryland had the same requirement?

Mr. DODD. Before the Gun Control Act was enacted substantial numbers of Washington residents with criminal records were buying guns and ammunition in Maryland.

Mr. DOMINICK. Is the Senator from Connecticut saying that Maryland had the same requirements for registration of ammunition a year ago?

Mr. DODD. No; the State did not have that requirement.

Mr. DOMINICK. I am having trouble hearing the Senator.

Mr. DODD. No; Maryland did not have similar requirements, obviously. Those requirements were the result of the gun bill passed 10 months ago.

Mr. DOMINICK. How did the police know that 70 percent of the people buying ammunition at that particular gun store a year ago were felons?

Mr. DODD. Because we obtained the records under the provisions of the Federal Firearm Act and gave them to the police.

Mr. DOMINICK. But the Senator indicated that they did not have records.

Mr. DODD. We had Federal investigators find out who were buying guns and ammunition. They obtained names and addresses and gave them to the police of the District of Columbia. The records showed that 70 percent of them had felony arrest records.

Mr. DOMINICK. Then I submit to the Senator from Connecticut that the same procedures could be used now with as much effectiveness, without burdening the dealers with a lot of paperwork that law enforcement officers are not using.

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

Mr. DOMINICK. I yield for a question.

Mr. KENNEDY. For a question. Does the Senator now agree that if those 21 percent were felons, they violated the law, and under the provisions of the gun law they can be prosecuted and sentenced to a substantial fine and period of imprisonment?

Mr. DOMINICK. I presume they can. I think it is going to be an interesting case, but I have not heard any one in the 21 percent charged. Furthermore, the same information could be obtained without these regulations, as I just pointed out.

Mr. KENNEDY. I wish the Senator from Maryland were present so he could correct me if I am not right, but I understand there is a distinction. To purchase in the District of Columbia, one has to show a permit for the purchase of ammunition or firearms. That is not a requirement in Maryland. Therefore, I understand what happens is that the felons themselves go into Maryland and violate the law in purchasing the ammunition, and possibly even firearms. But by doing so they violate the Federal law, for which they can be prosecuted.

Whether they will be prosecuted by the Internal Revenue Service, whether there are sufficient personnel to prosecute them, whether other Federal agencies can be persuaded to prosecute—obviously, it has not been done on the 21 percent—still they could be prosecuted because they violated the law. Is that correct?

Mr. DOMINICK. As far as I know, either the dealer or the purchaser can be prosecuted. I do not know which; maybe both. But I would say to the Senator from Massachusetts that this could be done without requiring all this useless paperwork. The Senator from Connecticut just pointed out his staff was able to get the same information before these regulations were put into effect. So why should we keep this kind of recordkeeping system in effect when we are not sure we can use the provisions at all?

Mr. KENNEDY. I think the Senator will agree that those who have violated the law can be prosecuted; that it is a question of whether there is a will and whether there are adequate law enforcement personnel and sufficient personnel to prosecute. But they are liable under the provisions of the law.

Mr. DOMINICK. If I may answer the question this way, those people can be prosecuted regardless of whether or not we have the form. All we are talking about is the form. We are trying to get rid of an unconscionable burden so far as the dealers are concerned, and one that is a source of annoyance to purchasers. If there are adequate personnel to investigate and prosecute these people it can be done without this form. It would not take any more personnel. This amendment does not affect any other provision of the law to which the Senator from Massachusetts is referring. It only eliminates the paperwork.

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

Mr. DOMINICK. I yield.

Mr. PASTORE. We were talking about date of birth, color of one's eyes, and all that sort of thing. As I read the amendment, the effect of it, if enacted, would mean that anyone could go into any ammunition retail shop—anyone—and buy all the ammunition and all the bullets for long guns that he wanted to buy, without accountability to anybody. Is that correct?

Mr. DOMINICK. No, we are not.

Mr. PASTORE. What are we doing?

Mr. DOMINICK. I am simply saying that you would no longer have to keep these records, that the basic law with regard to felons and juveniles is still in effect; and this amendment does not exempt .22 ammunition, interestingly enough. I wish it did.

Mr. PASTORE. And anyone can go in, whether he is a felon or not, and buy bullets for long guns?

Mr. DOMINICK. No, it is against the law.

Mr. PASTORE. And the seller would not be responsible?

Mr. DOMINICK. No; it is against the law.

Mr. PASTORE. What is against the law?

Mr. DOMINICK. To sell it to a juvenile or to a convicted felon. It is still against the Federal law. All that this does is eliminate the need for the useless record-keeping.

Mr. PASTORE. How are they ever going to find out, unless they keep the records?

Mr. DOMINICK. That is easy enough. The same way that they do it now; the same way the staff of the Senator from Connecticut found out last year in the store in Maryland.

Mr. PASTORE. How do you do it now? How do you put that purchaser on record that he is in the wrong place at the wrong time, to do the wrong thing, unless you ask him questions?

Mr. DOMINICK. You investigate, find the people buying and check back in the criminal files. These records are not going to help get convictions.

Mr. PASTORE. We do not want him even to go in there. We want to discourage him from going there. That is the purpose of this law.

Mr. DOMINICK. Surely, but this obviously is not doing that.

Mr. PASTORE. We want to discourage that criminal from going in, because he knows if he goes in, he is trapped.

Mr. DOMINICK. The best way to do that would be simply to confiscate all the guns in the country, and refuse to sell ammunition to anyone, which, as a matter of fact, I think was suggested in the debate last year.

I yield to the Senator from Utah.

Mr. MOSS. Is there any requirement in the law at the present time for the seller to ascertain and put on the record whether or not the purchaser is a felon, or whether he has been convicted of any crime?

Mr. DOMINICK. There is nothing whatsoever, except the age statement; and I think if we made that a requirement, the answer would probably be in violation of his constitutional rights on the grounds of self-incrimination.

Mr. MOSS. These records are kept 2 years, and after that time there is no record at all regarding who bought ammunition prior to that time?

Mr. DOMINICK. That is absolutely correct.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. MURPHY. My last experience in connection with this issue was when a representative of the Treasury Department said to me:

We do not know what to do with these forms.

Does anyone know what happens to the little black book the Senator from Connecticut showed? Does it stay in the store? Is it registered somewhere? I cannot see, if it stays in the store, what possible good it does. If it does not stay in the store, how does the filling out of the form accomplish what the Senator from Connecticut desires? I do not understand that. Does the Senator from Colorado know what happens to the form?

Mr. DOMINICK. Yes, I can say to the Senator from California that the form stays in the store. They are required to keep it for not less than 2 years. They are not kept alphabetically, and trying to find out even whether or not an individual registered is a difficult problem for anyone, including, I am sure, the staff of the Senator from Connecticut. The form does not go to the Treasury Department or any other law enforcement agency.

Mr. MURPHY. I might add one comment that was made by one of the best known dealers in Los Angeles, when he said he had some of the place where, to sell a 75-cent box of ammunition, it cost him about \$2.50 in processing and time of his employees. I do not know whether that was the intent of Congress or not, but that is apparently the effect of the law as it is working out, and I concur that, while I am probably the last person in this Chamber who would condone felons having guns, I have not yet heard a single argument put forward that, in my opinion, would stop the criminal. All it does is furnish a further example of impeding the good citizen, and not doing anything to impede the criminal.

I thank my distinguished colleague.

Mr. DOMINICK. I thank my friend from California. I might say that an amendment that I offered in the District of Columbia Committee, which was adopted and has been put into effect by only one judge, as far as I know, would have far more effect on doing something about the crime situation here, and hopefully we can get it enacted elsewhere in the country, and that was to say that if anyone commits a felony in which a gun is used, and is convicted of it, the judge has the right, at his option, to give him an indeterminate sentence up to life, regardless of whether he used the gun or not.

That is the quickest way to stop the use of guns in the commission of crime. It punishes criminals, not law-abiding citizens.

Mr. MURPHY. I concur.

Mr. DOMINICK. Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, I had

not intended to speak on the matter before the Senate, but, having come to the Chamber and listened to the debate, I think I have a word or two to say with reference to this particular amendment, in view of some of the logic I have heard used in the debate this afternoon.

First of all, I admit to my colleagues from Utah, Colorado, and Nevada that there may be an element of inconvenience to the citizens of their particular States with reference to this matter, because the use of long guns for hunting purposes might be a little more prevalent in that part of the country than in New England, which is much more urbanized.

When we passed this gun control law, we realized fully that we were not going to eliminate crime completely. You can never eliminate crime by law, just as you can never strictly eliminate segregation by law. These are human problems, and they have to be met with human considerations.

I think that sometimes we reach the point where the decent citizens of this country have to make a small sacrifice, or undergo a small inconvenience, in order to protect the common good. If we knew that every one was honest, if we knew that a gangster, or a criminal, or an Oswald would never use a long gun to shoot a President of the United States, and could be sure of that, we would not have to pass any law.

We passed this law in good faith. We realize this is an inconvenience upon the legitimate sportsman. We know that. We know that it is an inconvenience to the dealer in ammunition and guns. We know that; we have always known it. But after all, the rate of crime is rising in this country in an astronomical spiral. Guns are getting into the hands of outlaws. They are getting into the hands of criminals, gangsters, and sometimes people who are mentally unbalanced. I think that was the case with Oswald.

A minor is prohibited under the law from buying liquor, and a retail liquor dealer is prohibited from selling liquor to a minor. That does not mean that a minor does not sometimes sneak in, because he is an overgrown boy and looks 22 when he is only 16.

Mr. President, we know all these elements are involved here, but what are we doing today? We are taking a shotgun approach, if I may coin a phrase. A shotgun approach. We have not had any hearings at all on whether or not this law has worked in the last 9 months it has been on the books. We know this is cumbersome upon the Treasury, and we know it is cumbersome on the Justice Department. We know that. They would seek to free themselves of this responsibility if they thought that Congress would go along with it.

By the same logic, if we are not going to make sure that a certain amount of interrogation is going to go on, on the part of the dealer, to ascertain that he is dealing with a respectable citizen, Mr. President, we are opening the floodgates to abuse.

We have had this experience. This is

not new. We know that when you pass a law or institute a regulation, that does not make a situation 100 percent pure. We know that.

But what does the gun law do? What does it actually do?

The law puts the dealer on notice that before he can be convicted of knowingly having sold to the criminal, he has a responsibility to the decent people of this country, to ask a few questions.

What are the questions he asks?

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

Mr. PASTORE. In just a moment.

He asks for the name, he asks for the address, and maybe eight or nine other questions. What sacrifice is that?

The point I make today is that somewhere along the line someone has to begin to make a little sacrifice if we are to clean up crime in this country.

I pick up a newspaper every day and wonder where a 16-year-old kid gets a gun that he is able to put to the head of a bus driver and shoot out the brains of a man with four or five children. How does he get the gun? I know he could get it from someone else. But are we going to make it easier for him to get it?

Before the gun law, I know that one could send an application to any gun dealer in the country and get a pistol through the mail. I know that we would not be touching short arms or pistols in this amendment. But, by the same token, why should we not extend the application of the law to the long gun as well? What is so sacrosanct about the long gun that an exception has to be made?

I know that a sportsman uses the long gun and does not use a pistol. I have many friends who are hunters.

I have talked with these fine people about this matter. I have said: "You owe it to your community and to the goodness of your community to make a little sacrifice. You can get all of this material that you need. All you have to do is to go in and prove who you are."

There is not a hunter in the Senator's State of Utah who is not known by his dealer. It is almost automatic when they go in. However, when some stranger comes in who would use the gun lets say to assassinate a President, he could be discovered.

The effect of this statute now, as I understand it—and we are talking about records—would be that we are actually saying that almost anyone can go in and get bullets for long guns, except 22 rifle bullets, because of a compromise that was made beforehand.

All I am saying, and all that the Senator from Connecticut is saying is: "Well, gentlemen, maybe you do have a case. Maybe your situation is different from the situation in my State or in my part of the country." We are asking why we do not call upon the Treasury Department, not merely to have an exchange of letters, but to interrogate them as to their reasons for wanting this provision taken off the books.

Let us call in the dealers and find out how much of an inconvenience it has been. Let us call in J. Edgar Hoover and find out from him what he thinks about

it. Let us call in the chief of police of our States and ask him how they feel about it. Let us see if we cannot crystallize this matter so that we can all act responsibly.

What kind of bill is before us? It is an equalization tax bill. That has to do with taxes. The amendment is attached as a rider. I heard the argument to the effect that, if we agree to the amendment, some Representatives have said that it would not be considered at this session. Maybe it will be and maybe it will not be. Let us give it a try. Where the public interest is involved, I think we all have to assume some responsibility.

I realize that this provision causes inconvenience to the dealer to some extent. It does inconvenience the decent citizen to some extent. However, by the same token, I think he owes it to our good society, to the people of the country, and to the law-enforcement agencies of the country to make some sacrifice so that we can put our hands on the gangsters, criminals, and assassins to the fullest extent we can.

We cannot stop these activities completely. However, let us slow them down.

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

Mr. PASTORE. I yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I commend the Senator from Rhode Island on his very fine speech. I think I have a duty here that I must perform.

I am authorized by the chairman of the House Judiciary Committee, Representative CELLER, to say that he never made any such statement as has been attributed to him on the floor of the Senate this afternoon. I am authorized, in addition, to say that, in the judgment of Representative CELLER, if the bill passes with this amendment attached to it, it will certainly not get through the House for several weeks, and probably not at all.

I think that clears the record. I hope that it does clear the record with respect to the statement attributed to Representative CELLER concerning any gun legislation.

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

Mr. PASTORE. I yield.

Mr. PELL. Mr. President, I associate myself with the remarks of my senior colleague from Rhode Island. They express, better than I could, the views that are in my heart.

The proposal of the Senator from Massachusetts and the Senator from Connecticut is excellent. I intend to support it.

Mr. MOSS. Mr. President, I have listened with interest to the usual eloquent statement of the Senator from Rhode Island. I always enjoy listening to him, and ordinarily I agree with him.

I agree with the first part of what he has said on this occasion; namely, that it would be a little more inconvenient to the dealer and to the buyer, in that it would pile up records, but that such a sacrifice ought to be made to achieve a purpose.

That is where I must leave him, be-

cause he did not indicate in any way that any purpose would be achieved.

He said that if a stranger were to walk into an ammunition store and he happened to be the potential assassin of a President, the store would have some records. However, the form does not give any information other than his name and address, the kind of shells he bought, who the manufacturer is, and the number of boxes he purchased. The form would be signed by the clerk who furnished the supplies.

In the first place, such information is not furnished for the record. Second, the record is not available; it is not kept where it can readily be available to a law enforcement officer, even if it contained the information.

If the purchaser is a known felon, or one who the dealer has any way to identify as a felon, there is already a law which provides that the dealer shall not sell ammunition to him.

If the person is a known minor, or one who can be ascertained from his driver's permit to be a minor, the seller already knows that he should not sell to him. He may ask him to show his driver's permit or other identification.

My point is that this provision is utter futility. It is costly and time consuming, and it does not accomplish anything.

I may say to the Senator from Rhode Island (Mr. PASTORE) and other Senators who feel strongly about this that I am perfectly willing to have full hearings on any other phase of the bill except this. This provision has proved to be ineffective, repugnant, and useless.

Again, I hold up my sheaf of petitions which have come from the sportsmen of my State. They have spoken, and they have spoken unanimously and loudly, that they think this provision is an imposition. They do not want it. It is not effective to achieve any kind of control over felons or incompetents who use guns or buy ammunition.

Mr. DODD. Mr. President, it seems to me that we have gone the full sweep of the clock, so to speak, in the arguments for and against the amendment. It has been argued that the amendment is too burdensome; that it will create a situation which will require thousands of pieces of paper; that it will cause long lines of purchasers who will not be able to get their commodities; and that it will cause great inconvenience to them.

Then we get around to the position that the provision is not doing any good; that it is not detailed enough; that it asks for more burdensome information. I think that that pretty well sums up the situation.

This provision is an attempt to help law-enforcement people, as the Senator from Rhode Island has so well said, to prevent undesirables from purchasing ammunition for the guns which they should not get and cannot get under the Federal Gun Control Act.

All the local law-enforcement officials we have talked with say that this is a good provision. The act requires the Secretary of the Treasury to make the information available to local law-enforcement people.

Mr. President, because this amend-

ment, in my judgment, was referred to the wrong committee, because no hearings were held on it, and because it is not germane to the provisions of the tax measure to which it was appended, I move to table the pending amendment.

Mr. BENNETT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The question is on agreeing to the motion of the Senator from Connecticut to table the modified committee amendment beginning on page 20, line 21. 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 California (Mr. CRANSTON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTROYA), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

I also announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Kansas (Mr. DOLE), the Senator from Ohio (Mr. SAXBE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Michigan (Mr. GRIFFIN) is absent because of death in the family.

The Senator from Kansas (Mr. PEARSON) and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 19, nays 65, as follows:

[No. 118 Leg.]

YEAS—19

Bayh	Hughes	Pell
Brooke	Javits	Ribicoff
Case	Kennedy	Smith, Maine
Cooper	McCarthy	Tydings
Dodd	McGovern	Williams, N.J.
Fong	McIntyre	
Goodell	Pastore	

NAYS—65

Alken	Fulbright	Moss
Allen	Gore	Mundt
Anderson	Gravel	Murphy
Baker	Gurney	Packwood
Bellmon	Hansen	Percy
Bennett	Harris	Proty
Bible	Hart	Proxmire
Boggs	Hatfield	Russell
Burdick	Holland	Schweiker
Byrd, Va.	Hollings	Scott
Byrd, W. Va.	Hruska	Smith, Ill.
Cannon	Inouye	Sparkman
Church	Jackson	Spong
Cook	Jordan, N.C.	Stennis
Cotton	Jordan, Idaho	Stevens
Curtis	Long	Symington
Dominick	Mansfield	Talmadge
Eagleton	Mathias	Williams, Del.
Eastland	McClellan	Yarborough
Ellender	McGee	Young, N. Dak.
Ervin	Metcalfe	Young, Ohio
Fannin	Miller	

NOT VOTING—16

Allott	Magnuson	Randolph
Cranston	Mondale	Saxbe
Dole	Montoya	Thurmond
Goldwater	Muskie	Tower
Griffin	Nelson	
Hartke	Pearson	

So Mr. DODD's motion to table the modified committee amendment was rejected.

Mr. BENNETT. Mr. President, I move that the vote by which the motion to table was rejected be reconsidered.

Mr. JACKSON. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

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

Mr. HOLLAND. Mr. President, I should like to address two questions, if I may, to the author of the amendment.

Mr. BENNETT. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. Do I correctly understand, inasmuch as I could not be in the Chamber to hear all the debate, that the Senator withdrew that part of his amendment which related to the .22-caliber rimfire ammunition, for the reason announced that it could be used or made interchangeable for rifles or pistol ammunition?

Mr. BENNETT. The Senator withdrew that part of his amendment but, in fairness to the other Members of the Senate, the Senator stated that at some time in the future he intended to bring it up again.

Mr. HOLLAND. If the Senator will yield, so that I may ask him one more question, I note a part of his amendment reads "ammunition suitable for use only in rifles." As I understand that wording, that means if this ammunition is suitable for use both in rifles and handguns. It is not covered by his amendment as it now stands. Is that correct?

Mr. BENNETT. The purpose of removing the .22-caliber bullet, which is interchangeable, is that if there should be any chance be any other game that is interchangeable and that is sold mainly for rifles, but might properly be used in handguns, the Senator would assume that its major use would apply. The .45-, .38-, .32-, .25-caliber ammunition, which is designed chiefly for use in handguns, is still covered by the law and the amendment does not affect them.

Mr. HOLLAND. I thoroughly agree with the Senator as far as his answer goes, but his amendment reads "ammunition suitable for use only in rifles." My understanding of that would be that wherever the ammunition is suitable for use both in rifles and in handguns, it is not covered by his amendment.

Mr. BENNETT. The Senator is not aware of any ammunition that is suitable for use in rifles or handguns, except the .22 caliber. Now, if the Senator from Florida has any knowledge of any other caliber, I would appreciate knowing about it.

Mr. DODD. I think I do.

Mr. HOLLAND. I certainly have in the past known some such ammunition. My sole question is, if there is any such ammunition now suitable for use in both rifles and handguns, my understanding is that the wording of the Senator's amendment makes his amendment inapplicable to such ammunition. Am I correct?

Mr. BENNETT. That is obviously its intent.

I thought the Senator from Connecticut said he knows, or was about to say he knew about some.

Mr. DODD. There is a new gun called the "Enforcer" a pistol. It uses .30-caliber ammunition, which is also used in rifles.

Mr. BENNETT. If that is the case, then, before the amendment of the Senator is voted on, he must offer an amendment to the effect that it refers to ammunition used chiefly in rifles other than .22. We have eliminated the .22. I think we must protect the .30-caliber rifle ammunition against the possibility that some manufacturer comes out with a pistol to use it.

Mr. HOLLAND. If the Senator will yield again, I hope the Senator will not offer such an amendment, because I think, as noted, his amendment very clearly is inapplicable to ammunition that is usable in both rifles and handguns. I think his amendment is good if so interpreted. That is the reason for my question. I hope he will leave his amendment just as it is worded.

Mr. BENNETT. The Senator's purpose is to protect the right of a man using a rifle for hunting to get ammunition without having to go all through this rigmarole. As I say, if somebody comes along, or has come along recently, and manufactures a pistol to use rifle ammunition, I do not think the bill should, by its wording, make it possible to eliminate everything we have done. Somebody else can come along with a pistol that is gaged to fit another rifle bullet, and thus wipe out the exemption we have worked out for rifles.

So if it is the impression of the Senator from Florida that that kind of action is possible, then the Senator must change his amendment, or this has been an exercise in futility.

Mr. HOLLAND. Mr. President, I do not even know whether .32 rimfire ammunition is still manufactured, but as a young man I had .32 rimfire ammunition for my first rifle and others used it in .32 rimfire pistols. There may not be any .32 rimfire pistols now, but I am sure, as

stated, his wording does protect against any such possibility.

I do not want the language to release ammunition from the bill which is designed for and can be used in pistols, and I do not think anybody else does.

I hope the Senator will leave his language just as it is. If we find out later there are some hardships under it, we can consider further correction; but I do not believe it is the Senator's desire to release from the operation of the bill ammunition used in pistols or handguns. If that is his position, I cannot join in that position.

Mr. BENNETT. At the same time we cannot be in a position so that a private gunsmith downtown can manufacture a series of pistols that will take the range of rifle ammunition and take it into the Treasury and say, "See, here I have a handgun which will use .30-.30 rifle shells, and therefore the Treasury must reinstate this."

Mr. HOLLAND. I would certainly not accept any such subterfuge as that, but I would not want to open the door, because I do not claim to know all about all handgun or all pistol ammunition or all rifle ammunition, and I doubt if there is any Senator on the floor who does. I do not want to be in a position of making it possible for pistol ammunition to be released from coverage under the present bill by the Senator's amendment. I certainly agree with him that no such subterfuge as he has described should be acceptable, or should be considered as taking a great deal of other ammunition out from under the operation of the amendment.

Mr. BENNETT. Then, would the Senator from Florida join the Senator from Utah in saying that it is the intent of the Senate that such subterfuge or the very occasional development of a special weapon, a handgun to take a rifle ammunition, shall not be used to negate the intent of the bill?

Mr. HOLLAND. Yes, I would be agreeable to that; but I think it could be more easily done by putting in the words "commercially manufactured" before "rifles," so as to make it read "ammunition suitable for use only in commercially manufactured rifles," because I think that meets the point that the Senator has just mentioned.

Mr. BENNETT. I thought of that approach myself, and maybe it does, but again the words "commercially manufactured," it seems to me, let in the individual manufacturer who manufactures special guns and sells them out of his shop. Should we say "rifles generally available"?

Mr. HOLLAND. "Rifles generally available on the commercial market."

Mr. BENNETT. "Rifles generally available on the commercial market."

Mr. HOLLAND. I am agreeable to that wording, and I would be much better pleased with the amendment if that wording were added.

Mr. BENNETT. I think that improves the amendment.

The PRESIDING OFFICER. Will the Senator reduce that amendment to writing?

Mr. HOLLAND. "Generally available on the commercial market."

Mr. BENNETT. Let me reduce it to writing. 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. BENNETT. 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. BENNETT. Mr. President, I send to the desk, an amendment to the committee amendment and I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 21, line 5, after the word "rifles," it is proposed to insert "generally available in commerce."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment, as modified by unanimous consent on yesterday.

Mr. BENNETT. Mr. President, let us vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment as modified.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment as modified and amended.

Mr. JACKSON. Mr. President, on that question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, as I understand it, the question before the Senate is the amendment of the distinguished Senator from Utah, to the committee amendment. Is that correct?

The PRESIDING OFFICER. The Chair is informed that the vote will be on the language of the committee amendment, beginning on page 20, line 21, through page 21, line 7, as modified and amended.

Mr. KENNEDY. Mr. President, I wish to speak for only a very short period of time.

First of all, I wish to state again a word of appreciation to the distinguished Senator from Utah for changing his initial amendment to take out the coverage of handgun ammunition. I think that was extremely helpful and important, and I commend him for his action.

The Senator has indicated earlier today that at some other opportunity, he will introduce an amendment to prevent the 1968 act from applying to handgun ammunition as well. I certainly hope all of us will be given reasonable notice and reasonable time to prepare for such an eventuality and that the usual and proper course of Senate procedure will be followed.

Mr. President, I certainly hope that the amendment, as modified, will be defeated by the Senate today. During the course of earlier discussion, we heard the statement of the distinguished Senator from Connecticut, who is the chairman of the Juvenile Delinquency Subcommittee, in-

dicating that he would be glad, starting on Monday, to have hearings on this amendment; that he would even be willing to have the amendment, after it was considered by the Juvenile Delinquency Subcommittee and the Committee on the Judiciary, go to the Committee on Finance for whatever consideration they might wish to give, and then to have the matter considered by the Senate.

Mr. President, it seems to me that that is an extremely reasonable offer by the chairman of the Juvenile Delinquency Subcommittee. His subcommittee has been historically charged by this body with making recommendations on gun control and ammunition control. It is this subcommittee that has held lengthy hearings, over a period of the last 8 years, on gun control legislation. It has been fair in its hearings. It has been willing to bring to its hearings those who have supported gun legislation and those who have been opposed to it.

The point has been made by the chairman of the subcommittee and the other members of that subcommittee on the floor this afternoon that, first of all, the provisions which will be abolished by the amendment of the Senator from Utah have been in effect for less than 10 months, that they have never really been given a reasonable period of time to be tested by the people of this country. Further, it is clear that if there is a hardship placed upon the sportsmen and the sellers of ammunition, the Treasury Department itself might have had some kind of hearings relative to a possibility of a change of regulations, and an opportunity given to modify the procedures it has adopted.

But as the matter comes before us today, the Treasury Department has had no such opportunity. So, Mr. President, we are asked to vote today, with no Treasury Department hearings on rule-making proceeding, no Senate hearings, and with the committee which has the primary jurisdiction not having been consulted, although the chairman of the appropriate subcommittee indicates openly that he is willing to have expedited hearings, to bring the matter to the floor, and to treat it on its merits.

But, Mr. President, we hear from those on the other side of the issue that they cannot go through the Judiciary Committee, because it is represented that the chairman of the House Judiciary Committee will refuse to consider gun legislation this year. I am reliably informed on inquiry today, Mr. President, that the chairman of that committee, Mr. CELLER, has indicated no such thing, and that quite to the contrary, he has indicated that he will fight, if this amendment is added to the interest equalization bill, to see that the interest equalization measure is deferred. I can understand, Mr. President, why he would take such action.

I think all those who have taken the floor during the last week or so and who have talked about the importance to the financial community of passage of the interest equalization tax measure should be on full notice now, that every effort

will be made in the House of Representatives, and every parliamentary technique will be utilized in that body, to be sure that action is deferred on interest equalization this year as long as this extraneous amendment is on the bill. The responsibility for delay is clearly upon the movers of this amendment. And, Mr. President, we can understand why the delay is certain.

The distinguished Senator from Utah would be in a stronger position if he had accepted the offer of the distinguished Senator from Connecticut and had come before the Juvenile Delinquency Subcommittee, had the hearings been held and the matter properly considered in committee and on the floor of the Senate, than to force a vote on the matter in the Senate now, having attached it to another important bill, and then cause a great delay in the House of Representatives, on the other measure, which the Treasury Department says endangers our balance-of-payments problem.

But nonetheless, Mr. President, no such orderly effort has been made. The proponent of the amendment comes before the Senate and says that the committee that has been charged with this responsibility traditionally and historically will be ignored. He says, "We have the horses, we have the votes"—which was shown by the action on the last amendment, I must admit and he further states—"and therefore we are going to set aside the committee system and go ahead and have action by the Senate this afternoon."

Therefore, Mr. President, I think this amendment should be defeated simply on the basis of Senate procedure. On the question of the substance of the amendment, on the realization that this law which we are about to vote to repeal has not been given a reasonable period of time to be tested, that we have never really had an opportunity to cross-examine any Federal officials charged with making it work, either those representatives of the Treasury Department or the Internal Revenue Service, before any committee of this body, and to determine their point of view and their attitude and the effectiveness of that law this amendment should certainly be defeated.

So we are asked, now, to act on this measure. A great deal has been said this afternoon as to how much of a burden this registration requirement imposes on the sportsmen of this country. We have had no representatives of the sportsmen indicate what kind of a burden it is. There has been no opportunity to amend the present regulations, to see whether with some changes the regulations could be made capable of carrying through the spirit of the law passed last year without imposing an extraordinary burden on the sellers of ammunition.

We are simply asked to repeal the action this body took last year. We are asked to repeal it without hearings. We are asked to repeal it without having the appropriate subcommittee and committee deliberate and consider the question or have an opportunity to express them-

selves on it. We are asked to repeal it without having an opportunity to question those who have had the prime responsibility for enforcing it in the Treasury Department. We are asked to repeal it without listening to law-enforcement officials who believe the law does have an important effect in helping to reach the problems of crime and violence. We are asked to repeal it this afternoon, Mr. President, as an afterthought on a bill to which it has no relevance.

For those reasons, Mr. President, I certainly hope that the amendment of the Senator from Utah will be defeated.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

Mr. DODD. Mr. President, I do not want this matter to come to a vote without making a statement for the RECORD. I shall not read it, but I do ask unanimous consent to insert it at this point.

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

STATEMENT BY MR. DODD

Mr. President, on its merits, I object strenuously to the Bennett amendment to exempt from the control provisions of the Gun Control Act of 1968 the ammunition for rifles, the weapon of the urban sniper, and the ammunition for shotguns, which, along with its sawed-off sister, is the weapon of the armed robber.

Just a year ago, this body, by a 41-36 vote, adopted effective and enforceable controls over the sale of all ammunition as an integral part of a legislative effort to assist in curbing the spiralling crime rate in the United States.

That Act, the Gun Control Act of 1968, has been in effect since last December. The ammunition controls in the law require Federally licensed dealers record the name, age and address of all purchasers of all ammunition. The Act also prohibits the sale of ammunition to juveniles and minors, to criminals, to narcotics violators and to mental incompetents.

The recordkeeping provisions are absolutely necessary to prevent the sale of ammunition to these prohibited persons.

There is no doubt in my mind as to the crime deterrent value of the ammunition recordkeeping provisions of that Act nor is there any doubt in the minds of law enforcement agencies.

Now we are confronted with a determined effort by the well-intended, I am sure, but misinformed, to strip from the Act its effective ammunition controls, the controls that keep bullets out of the hands of criminals.

We are faced with this attempt despite the fact that 1969 is a "law and order" year and despite the fact that the ammunition provisions of the Gun Control Act are an essential and integral part of a "law and order" Federal statute.

While there are those who argue that the ammunition controls in the Federal law are not essential in any effort to curb gun crimes, I know of no firearm that can be fired without ammunition.

And without ammunition, the gun loses its deadly character. Without ammunition, the gun becomes five times less lethal and falls into the club and brass knuckle category.

It seems logical and reasonable, therefore, to control the sale and distribution of ammunition.

Yet, in this year when "law and order" are paramount in the public mind, the propo-

nents of this amendment do not equate controlling the sale of ammunition with an effort to curb crime.

They argue that Federal controls on rifle and shotgun ammunition are not going to affect the incidence of crime.

The sponsor of the ammunition amendment has said that he has withdrawn .22 caliber bullets at this time. However, he has already announced his plans to "hook it" onto the next House-passed tax measure which comes his way.

For future reference, I would remind the Senate that since 1960 almost two million inexpensive, .22 caliber, "Saturday Night Specials" have been imported into the United States and they fire .22 caliber rimfire ammunition.

During the last week I have discussed the facts concerning .22 caliber ammunition and the incidence of crime.

There are additional considerations which have a direct bearing on crime in America, which apply not only to .22 caliber ammunition, but which apply to all other rifle bullets and shotgun shells as well.

Since the Act requires a dealer to record the name, age and place of residence of each person to whom he sells ammunition as well as firearms, records which are available for inspection by law enforcement officers, ammunition controls would deter criminals from attempting to purchase bullets. Persons who intend to commit unlawful acts will be deterred from purchasing ammunition because they will not want to identify themselves and leave a record of the transaction.

Since the National Violence Commission estimated that there are now some 90 million firearms in private hands in the United States, ammunition control is the only way in which the Gun Control Act can affect firearms already privately owned. As these weapons are impotent without ammunition, it is only common sense to regulate the flow of that ammunition to felons, juveniles, drug addicts, and other irresponsible persons, who may already own firearms.

Since evidence of the purchase of ammunition used in a crime may be an important element of proof, ammunition controls would assist investigation of crime. Investigation of crime by law enforcement officials should be greatly benefited by records of ammunition sales, particularly where police suspect a particular individual of a specific firearms crime.

Preventing the sale of ammunition to persons with criminal records is impossible without requiring dealers to keep records of ammunition receipts and sales.

During Subcommittee hearings on firearms controls on July 24th of this year, Commissioner Randolph Thrower of the Internal Revenue Service told us:

"Many cases are being made involving felons who give false information while purchasing guns. During one month nine cases were made in the New York-New England States in which defendants were charged with knowingly making false statements on Form 4473 when purchasing a firearm. In Florida, seven felons were charged at one time, each with giving false information on Form 4473 when purchasing a firearm. Most of our 4473 cases involve active criminals."

If, as Mr. Thrower says, the fact that several dozen criminals have already been apprehended for giving false identification for the purchase of firearms, then why should we remove these same identification requirements from ammunition. The same kind of case can be made under the Gun Control Act for the criminal who buys ammunition under false pretenses.

The recordkeeping requirement ensures that dealers exercise a high degree of care in ascertaining whether a potential purchaser is barred by criminal record from buying ammunition.

Yet Senator Bennett would have us remove these recordkeeping requirements.

Mr. President, these are persuasive and telling arguments for keeping ammunition recordkeeping controls in the Gun Control Act of 1968, and they are a sound basis on which to reject the Bennett ammunition amendment.

An intact Gun Control Act of 1968, as an aid to state and local law enforcement, has been recognized by both the Treasury Department and by the Internal Revenue Service.

Both agencies were represented in hearings held by the Juvenile Delinquency Subcommittee in July, to which I have just referred, and both agencies attested to the Act's effect as an aid to law enforcement.

Assistant Secretary of the Treasury, Eugene T. Rossides, told the Subcommittee:

"In summation, it is the view of the Department that, on the basis of 7 months' experience, the Gun Control Act of 1968 is working reasonably well and is providing the needed support for State and local controls for which it was designed. We respectfully suggest that controls under the Gun Control Act of 1968 be given a full opportunity to prove their worth."

Commissioner Thrower of the IRS said: ". . . I strongly believe the new gun law is an effective law enforcement tool which will go a long way in assisting local law enforcement authorities in coping with the crime problem within their own borders."

Mr. President, in view of the limited time that the provisions of the Gun Control Act have been in effect, we should not prematurely adopt any limiting amendments to that Act.

This is especially true with respect to the ammunition controls.

The argument has been made that sportsmen are the only ones who use rifles and shotguns, but I ask Senators to consider:

President John F. Kennedy and Dr. Martin Luther King, Jr., were killed by rifle bullets, which Senator Bennett would exempt;

Medgar Evers was killed by a shotgun, the ammunition for which Senator Bennett would exempt.

To render the controls over ammunition for rifles and shotguns ineffective, as the Bennett amendment would do, is tantamount to wrecking that one element of control in the Federal law, which deals directly with those 90 million guns owned, and, unfortunately, abused, in substantial numbers each year in this country.

Armed crimes continue to soar in America. The most recent FBI report shows that during the first six months of 1969:

Murder was up eight percent.
Armed robbery was up twenty percent; and,

Aggravated assault was up ten percent.
Last year alone, 3,000 Americans were murdered with .22 caliber ammunition, and 1,228 were murdered with shotguns and 328 were murdered with rifles of larger caliber than .22 caliber.

Let me read a few reports gathered by the Subcommittee concerning the use of a shotgun by murderers and criminals:

From the Baltimore News American, February 11, 1969: "Thug Kills Attendant, Steals Cash Register."

"Cambridge, Feb. 11—An attendant in one of the two service stations which remain open all night here was found shot to death at 3:30 A.M. today and the station's cash register is missing.

"State police said Earl Harry Pitman . . . was shot in the head at close range by a shotgun."

From the Washington Post, June 20, 1969: "D.C. Man, 22, Guilty in Bank Robbery with a Sawed-Off Shotgun."

From the Baltimore News American,

April 23, 1969: "Conviction of Bank Robber Gang Cost Taxpayers \$9,000."

"The Baltimore State's Attorney today charged a subject with participating in five of the six holdups that led to the legend of "The Shotgun Gang," which operated usually with at least one sawed-off shotgun."

From the Philadelphia Evening Bulletin of July 6, 1969: "Camden Youth Held in Slaying of 2 Policemen."

"A 21-year-old man was arraigned yesterday on charges that he shot and killed two young Camden policemen . . . with blasts from a 12-gauge shotgun."

From the Atlanta Constitution, August 18, 1969: "Bus Driver Hit; Shotgun Killers of 4 Sought."

"A shotgun sniper wounded an Atlanta bus driver early Sunday in the latest of a series of five unsolved shootings that have left four Atlantans dead."

From the Baltimore News American, September 17, 1969: "Man, 55, Shot to Death; Four Wounded in City with a 12-Gauge Shotgun."

From the Washington Post, February 26, 1969: "Three Juveniles Accused of Bank Holdup."

"The three, all 16 years old, disarmed a guard, used a rifle and shotgun to force employees and customers to lie on the floor and escaped with \$8,000."

This is just a random sampling of the reports that have come across my desk of the 1,228 people that were murdered by shotgun and the many more thousands who were shot and robbed by shotgun in the year that just passed.

Federal controls on the sale of ammunition are essential if we hope to reverse this trend.

To adopt the Bennett amendment and to remove these controls on rifle and shotgun ammunition would help perpetuate this trend.

The major argument put forth by the proponents of the Bennett amendment is that as we approach the hunting season, the ammunition controls will be burdensome to the American sportsman.

Mr. President, under the Gun Control Act, the American sportsman is treated in the same fashion as is any other citizen. He has to prove his name, age and address, just like anyone else. To call this requirement burdensome is ridiculous.

Consider these facts:

The Act requires that the licensed dealer obtain and record the name, age and place of residence of the ammunition purchaser.

In addition, the Act makes it unlawful for the purchaser to furnish to the licensed dealer any false or fictitious statement either orally or in writing or to furnish any false or misrepresented identification to the licensee.

The Act is clear and concise on these points. The regulations implement these requirements and nothing more.

I fail to see any burden in the above requirements, and I believe that most reasonable citizens would agree with me. Yet the proponents of this measure violently and blindly argue that such a small requirement is burdensome.

Surely such is not the case.

The requirement that purchasers of ammunition furnish identifying information and that the dealer record the name, age and address of the purchaser is necessary to implement the prohibitions on the sale of ammunition to minors and in the case of rifle and shotgun ammunition to juveniles.

By obtaining identification, the dealer obtains and records the name, age and address through credible means (such as a driver's license) to be reasonably sure that he does not sell to a minor or a juvenile.

Germane to the argument that the ammunition recordkeeping provisions are burdensome on the American sportsman is an apparent misconception of the Act's provisions and the regulations to which Senator Bennett referred in his floor remarks upon introduction of his amendment.

He stated: "Under the Gun Control Act of 1968, the Secretary is required to record the name, age and address of a person buying any type of ammunition. But, as the regulations came from the Treasury last year, a person is now required to give his name, address, date of birth, date, manufacture, caliber, gauge, or type of component, quantity of ammunition purchased and a driver's license or other type of identification."

Mr. President, the Senator from Utah is misinformed on the specific recordkeeping provisions of the law and the regulations designed to implement those provisions.

The first half of Senator Bennett's statement is a reflection of the dealer's responsibilities under the Act. That refers to the information that the Federal licensee must obtain from the purchaser.

The second half of Senator Bennett's statement concerning additional information that he asserts must be provided by the purchaser, refers to information that is required to be kept by the dealer, but it amounts to prudent recordkeeping for any businessman, and there is no burden placed upon the purchaser.

The requirements of the letter of the law are clear, reasonable and just.

Any misconception that has arisen in that regard is unfortunate in that it has served to distort the intent of the Act and its provisions.

I would now briefly refer to the charge that the ammunition controls of the Gun Control Act are nothing more than "backdoor registration."

The charge is absurd.

First, there are no registration provisions in the Gun Control Act of 1968.

With specific regard to ammunition controls, when the purchaser furnishes his name, age and address, this information is retained by the dealer at his place of business.

This is not registration.

There is no central recordization as would be the case in a registration scheme.

Second, there is no way to register ammunition as it is not serially numbered.

The argument about registration is contrived and has no basis in fact.

Finally, it is charged that the Treasury Department has gone beyond the letter and the intent of the law in promulgating rules and regulations relative to ammunition controls.

Quite the opposite is true.

In promulgating regulations to implement the ammunition controls of the law, the Internal Revenue Service has in effect limited the definition of ammunition by excluding from coverage shot for shotgun shells and unprimed hulls (the actual shells once fired and then retained) for such weapons. This limiting of the definition is found in Internal Revenue Service regulations.

In addition, gun clubs which distribute ammunition to members for their use are not considered to be dealers "in the business of selling ammunition" and thus are not subject to the recordkeeping provisions of the Act.

These are two specific examples not of broadened regulations but rather of the limiting of ammunition controls by the administering and enforcing agency, the IRS.

Mr. President, ammunition controls must be retained in the Federal gun laws.

I would remind those 40 Senators who voted with me to include these controls in the 1968 Act that these provisions must be given a reasonable test and should not be quietly interred by a slick parliamentary maneuver,

without public hearings, and without reference to the wave of violence that has engulfed America.

Congress should not deceive the public by listening to the contrived arguments of an industry whose sole motive is the profit it derives from the indiscriminate and uncontrolled sale of billions of bullets to all comers, including murderers, addicts, juveniles and the insane.

Let us serve the public interest.

Let us reject the Bennett amendment and help keep bullets out of the hands of criminals.

Let us give a vote of assurance to a public hounded by fear and threatened by crime and violence in our streets.

Mr. DODD. Mr. President. Let us understand that this is the beginning of the end of the gun control law. That is the intention of those who have been opposed to it for a long time. They have said publicly the way to cut this thing down is first to go after the ammunition control part of it. They have stated that in their official publication, and have said it over and over again.

They are well on the way toward getting that first step accomplished. At this time, when everyone is talking about law and order, reducing violence in our streets, and reducing the crime rate.

It is absolutely astonishing and bewildering that the Senate could turn back the clock in the face of existing statistics on homicides and murders.

I remember that when we passed a gun control bill last year, people said it was a weak bill. Some of us who had worked on it knew better. It was not a perfect bill.

I wish that some who were advocating registration a year ago were here today to help us. It is senseless to talk about the control of firearms and do little or nothing about the sale of ammunition. A gun without a bullet is nothing but an ornament.

We cannot have effective gun control without control over ammunition. Without controls more and more people will be victimized on the streets. More and more holdups will occur. More and more lives will be ruined.

It is a great pity, but this is the direction in which we will go. We must defeat the pending proposal if the overwhelming public interest is to be served.

Mr. MOSS. Mr. President, few votes taken in the Senate this year will be more closely watched in the State of Utah than the vote on this amendment. In Utah we are a State of sportsmen and hunters. Next weekend, 180,000 deer hunters will go into the hills of Utah for the annual deer hunt.

But this year, when those hunters purchase ammunition for the deer hunt, or to have target practice, they will be faced with the requirement to fill out forms and register, giving their name, address, age, amount and type of ammunition, in order to purchase sporting ammunition. This happened this week as we prepared to open the duck season and shotgun shells became a necessity.

Long lines develop at the more popular locations, and the annoyance of standing in line to purchase ammunition is added to the foolish requirements to register the purchase.

Perhaps more important than the in-

convenience to the hunters is the burden placed upon the small businessman who, in addition to operating his store, must now keep registration documents with all their incumbent paperwork and detail and the requirement to forward these documents on to the Treasury Department. Business is tough enough today without the small businessman spending hours on unnecessary paperwork.

When those hunters, standing in line to register their purchases, ask why the delay, most people will be at a loss to tell them.

They are not standing in line because Congress has passed a bill requiring them to do so. Last year, when the gun bill was being considered, the Senate specifically defeated the provision which would have required registration for purchase of ammunition or firearms. Although the gun bill did pass over my objection, it did not contain the registration requirement.

But what Congress specifically forbade, the Treasury Department has accomplished by administrative order. Using the age requirement contained in the bill as the excuse, the Treasury Department requires complete registration of each ammunition purchase. This is absolutely ridiculous.

Most States require a certain age for purchase of such items as liquor and cigarettes. But no State requires registration of each purchase as part of the proof of age. Identification, such as a driver's license, is usually required to be shown, and that ends it. The person required to establish age has been shown the proof, and nothing must be written down, such as the amount and size of the purchase. And certainly bales of forms are not sent to the Treasury Department for permanent record.

Not only is the registration requirement contrary to the will of the Congress, and foolish in its intent, it is also worthless as far as accomplishing what proponents of registration think they will achieve. The gun bill passed last year was supposed to reduce crime and violence in this country. Of course, it has not done so. Crime continues to increase in our big cities and in our States. The simple fact is that criminals violate laws, and they certainly will not start obeying laws because we pass one that restricts the use of guns. I think this argument, which the proponents of gun legislation continue to use, is the weakest point in a very weak case.

All we are attempting to do with this amendment is to remove ammunition, used only for sporting and hunting activities, from the registration requirement.

The citizens purchasing sporting ammunition are not criminals. They are law-abiding people who enjoy the sport of hunting and shooting. To require them to register each purchase as though they were buying their shells for some illegal act is wholly unnecessary.

To give you an idea of the feeling in my State on this issue, let me show you some petitions which I have received from Utah. These started to arrive from sporting goods stores a few days ago. Not knowing that this measure would

come up for a vote as soon as it has, the petitions were to be mailed by November 1.

But I have already received more than 5,200 signatures supporting the amendment. I have received signatures from private citizens, from union groups, from civic organizations from all walks of life. People have not only signed petitions at the sporting goods stores, they have taken them to friends and neighbors to sign, and then have mailed the petitions to me. By November 1, I know I will receive several thousands more signatures supporting this position.

I am delighted that we are voting on this amendment today. I commend my colleague from Utah (Mr. BENNETT) for accelerating our consideration of the bill by obtaining Finance Committee approval of it as an amendment to the interest equalization bill. We have all tried several ways to get our measure up for a vote, and he has succeeded. I support the amendment; I am a cosponsor. I will vote for it, and I urge my fellow Senators to do the same.

SPORTING AMMUNITION SHOULD BE REMOVED FROM THE PROVISIONS OF THE GUN CONTROL ACT OF 1968

Mr. CHURCH. Mr. President, today I am pleased to join with the distinguished Senator from Utah (Mr. BENNETT) in support of our amendment to repeal the provisions of the Gun Control Act of 1968 in relation to registration requirements for sporting ammunition at time of purchase. Our amendment, if enacted, would eliminate the registration provisions as they affect sporting rifle and shotgun ammunition.

Under the law as it presently exists, persons who purchase ammunition must give name, address, and date of birth; date of purchase; manufacturer; caliber; gage, or type of component; the quantity of ammunition purchased; and the purchaser's driver's license or other type of identification must be shown.

I have opposed gun registration since I first came to the Senate in 1957. I opposed the passage of the Gun Control Act of 1968, together with the ammunition registration provisions which it contained. These provisions have proved nothing more than a harassment to the average sportsman and gun dealer. By the Treasury Department's own admission, they have been of no assistance whatsoever in combating crime.

I would support repeal of all the ammunition provisions of this act. However, it has become clear in recent days that such a proposal would fail passage by the Senate. For that reason, I support the present amendment which repeals the provisions on all but pistol and .22 caliber rimfire ammunition. With the hunting season upon us in the West, I support this legislation now in hopes that its passage will help remove a portion of the needless harassment that has been heaped on western sportsmen and gun dealers by the Gun Control Act of 1968.

Passage of this amendment will be welcomed by thousands of sportsmen in the West and throughout the United States.

Mr. BROOKE. Mr. President, Senate bill 2718 as reported from committee would do a great deal to emasculate the

historic Gun Control Act passed by the 90th Congress. That law, which I strongly believe is supported by most of the Nation's citizens as well as its legislators, was discussed at great length. It was pieced together last year as the result of a great amount of effort and thought by a good many of us in this Chamber.

If we are to pass S. 2718 with the ammunition control amendment, we will have done a great injustice—not only to ourselves, but to the Nation. For, let there be no mistake about it, this amendment even in its revised form, would severely impair the 1968 Firearms Act by removing the Federal controls over the sale of ammunition for shotguns and rifles. The decision by the sponsors of the bill to remove .22 caliber ammunition from the amendment, while a step in the right direction, represents no noteworthy acknowledgment by the sponsors that ammunition registration is necessary and desirable. In fact, in my mind, it makes it all the more important that we vote down the revised amendment, lest its approval establish a dangerous precedent in the removal of these limited controls. All of the types of ammunition we are dealing with in this amendment are potentially fatal; to lessen the restrictions is an abrogation of our obligation to the Nation.

It was my strong hope and belief that this body had finally realized that one of the most important ways of preventing crime and discouraging acts of violence was to require the registration of the tools used for those acts so that the identity of both the user and his weapons could be more readily established. The U.S. Senate should not turn back from the historic and laudable course which it charted for itself in the passage of firearms and ammunition control legislation just a year ago.

A look at the facts of the situation shows, in the light of the amendment presently under discussion, that tragically we either have not learned or have forgotten those lessons.

In 1968, there were approximately 10,000 recorded cases in which individuals were killed by ammunition from a firearm. Most of the bullets for these weapons were sold over the counter to individuals, many of them hardened criminals, who did not have to present any identification. These bullets were bought by men whose aim was not to hunt, but to kill.

Since the passage of the 1968 Gun Control Act, the Government has been able to monitor more closely, and in some cases to limit, the sale of ammunition by simply maintaining records of all purchasers of ammunition. At the same time, it has been more effective in keeping ammunition out of the hands of juveniles and undesirable elements who either do not know how to use these potential weapons of destruction or intend to use them to commit a crime.

What, then, is the argument for eliminating the provision of the firearms legislation that places these limited controls over the sale of ammunition? It is contended that this provision inconveniences and unfairly burdens law-abiding sports-

men who wish to purchase ammunition for lawful purposes.

Mr. President, what is the inconvenience of having to give one's name and address or show a driver's license in order to purchase ammunition? How much extra time does this take for the average person while making his purchase? If it takes 2 minutes, is this a great infringement on personal liberties when we know that this limited information check might, just might, keep the ammunition out of the hands of a person who is dangerous to others when he has such equipment? Is this an infringement on personal liberties when this limited form of registration might help prevent the murder of a neighbor, a loved one, or even of one's self? I strongly contend that this provision of the 1968 Firearms Act is no significant infringement of liberties. It is significant as a means to limit serious crime in this Nation. No case has been made to justify abandoning the provision before it has been fairly tried.

A distinguished colleague, the senior Senator from Connecticut, who will long be remembered as a man who brought some sense and order to firearms traffic in this Nation, stated the facts of this matter quite succinctly and candidly when he wrote, in a letter to the President, that:

Any attempt to reduce the capability of law enforcement officials to cope with criminals while increasing the capability of any lunatic, juvenile delinquent, felon, or zip-gun owner to once again purchase these deadly items with no questions asked must be prevented.

If we are to pass this bill without giving serious consideration to its ramifications, we will have committed a grave disservice to the American people. At a time when there is a great demand to disarm the criminal, we are debating here today a measure which will only serve to rearm him. To me, this measure represents a most dramatic folly in the long-proclaimed efforts to bring "safety to the streets." Indeed, it would seem more logical for the Senate to consider tighter restrictions on the sale of ammunition, perhaps including the prohibition of sale to any nonresident of the State, rather than to consider, as is now the case, the repeal of the modest ammunition controls now in force.

The arguments in favor of controls on the sale of ammunition—that the controls tend to deter criminals from attempting to purchase ammunition, that they are the only way effectively to control firearms already privately owned and in circulation, that the controls assist in the investigation of crime—are so well known that it seems a needless waste of time for this body to have to reconsider them. But, despite these arguments and despite the sheer force of logic, we are once again being required to bring up this matter which I had thought was long since resolved.

If a sufficient number of Senators do see a need to decimate a vital section of the 1968 Gun Control Act, then let there be hearings in an appropriate committee to prove the validity of such an action. To those who are interested in them, there are facts and theories in the area of law enforcement that are available

and show the great dangers resulting from unlimited, open-market sale of ammunition. I believe I understand some of those facts as they have been proven time and time again by simple records and surveys. Let us not now pass a bill which would take away from our law enforcement officials one of their most promising tools in helping to protect the average citizen from the gun-wielding criminal.

Mr. President, I strongly urge this body to consider the alarming consequences of this amendment, and to reject this unwise proposal.

Mr. McGEE. Mr. President, on the surface, the amendment to H.R. 12829 would modify ammunition recordkeeping requirements for the 1968 Gun Control Act. But, there are two points even more important than mere modification. It is to these two points that I wish to address myself, Mr. President.

The first of these two points is that the effect of the modification would correct what is an obvious absurdity about gun controls and about the habits of sportsmen in Wyoming. In no sense do the present requirements for record-keeping in regard to sale of ammunition aid in crime control. The irritation and make-work of the current requirements to keep the names, addresses, and other information about ammunition buyers causes more contempt than it does control.

Those of us from the West, and I would hope others as well, take not only pleasure but pride in being able to hunt and shoot safely without petty rules distracting from our pursuits. Certainly the current regulations spawned by the Gun Control Act of 1968 regarding ammunition are a detraction from the concept of sound legislation at best and petty legislation at worst.

Too many sporting goods dealers, hardware merchants, hunters, and others from Wyoming have complained acidly about the time and expense, not to mention useless effort, required for compliance with the recordkeeping provisions of the Gun Control Act.

The second of my two points directs itself to the argument that our amendment to the bill before us can be used to open a loophole in the 1968 Gun Control Act. It does not seem to me, Mr. President, that good sense of our amendment can be described as opening any kind of a hole in the Gun Control Act. Nowhere is there any evidence to support the notion that writing one's name, address, and age down every time he buys a box of ammunition goes in the direction of controlling crime. To remove the ludicrous provisions for recordkeeping required by the Gun Control Act seems to me the very opposite of opening loopholes.

Besides I am not at all certain that the Gun Control Act of 1968, which I voted against, is all that much of a model of wise legislation. While I am philosophically opposed to viewing the law as something in which to find loopholes, I think the Senate should be very careful about accepting the proposition that the Gun Control Act of 1968 is something sacred and above modification. The amendment before us is an effort to re-

cover some sense of reality and intelligence about the rather silly regulations adopted to control the sale of ammunition. I urge that we accept the amendment to H.R. 12829.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended. 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 Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

I also announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Kansas (Mr. DOLE), the Senator from Ohio (Mr. SAXBE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Michigan (Mr. GRIFFIN) is absent because of death in the family.

The Senator from Kansas (Mr. PEARSON) is detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Kansas (Mr. DOLE), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 65, nays 16, as follows:

[No. 119 Leg.]

YEAS—65

Aiken	Goldwater	Moss
Allen	Gore	Mundt
Anderson	Gravel	Murphy
Baker	Gurney	Packwood
Bellmon	Hansen	Percy
Bennett	Hart	Prouty
Bible	Hatfield	Proxmire
Boggs	Holland	Russell
Burdick	Hollings	Schweiker
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Inouye	Smith, Maine
Cannon	Jackson	Smith, Ill.
Church	Jordan, N.C.	Sparkman
Cook	Jordan, Idaho	Spong
Cotton	Long	Stennis
Curtis	Mansfield	Stevens
Dominick	Mathias	Symington
Eagleton	McClellan	Talmadge
Ellender	McGee	Yarborough
Ervin	McIntyre	Young, N. Dak.
Fannin	Metcalf	Young, Ohio
Fulbright	Miller	

NAYS—16

Brooke	Hughes	Pell
Case	Javits	Ribicoff
Cooper	Kennedy	Williams, N.J.
Dodd	McCarthy	Williams, Del.
Fong	McGovern	
Goodell	Pastore	

NOT VOTING—19

Allott	Hartke	Randolph
Bayh	Magnuson	Saxbe
Cranston	Mondale	Thurmond
Dole	Montoya	Tower
Eastland	Muskie	Tydings
Griffin	Nelson	
Harris	Pearson	

So the committee amendment as amended was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote by which the committee amendment, as amended, was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I ask for third reading.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

GIVE LAW-ABIDING SPORTSMEN A BREAK

Mr. HANSEN Mr. President, all of us are aware of the unnecessary burden placed on law-abiding hunters and skeet and target shooters by the interpretation of the Gun Control Act of 1968, which has required registration of ammunition sales. This has created so many headaches of paperwork for small ammunition dealers in areas of Wyoming and other States that they have either dropped or are considering dropping ammunition from their line of merchandise.

In Wyoming, wild game often is a meaningful supplement to the annual diet of most families, especially the low-income families. These same low-income families often do not have the money or the means to travel great distances to city stores to buy the ammunition they need for hunting, or to drive predators away from their livestock. We can give the law-abiding sportsmen a break by endorsing the provisions of the ammunition amendment to the interest equalization tax bill.

The Treasury Department has found this ammunition registration requirement to be of little value in deterring crime. But I have no quarrel with those Senators from States which do have problems stemming from firearms and ammunition sales. Wyoming and many other States do not have such problems, and we do not have the need for registration and licensing of either firearms or ammunition.

We see no reason in Wyoming why we should not be allowed within the State to decide the sort of firearms and ammunition laws we should have to meet our special needs. And we see no reason why the States with special but different requirements cannot meet their goals within the realm of their own legislatures. I hope that the Senate will give support to the law-abiding gun users of this Nation.

Mr. HRUSKA. Mr. President, the Gun Control Act of 1968 made important changes in Federal firearms policy by controlling interstate sales of firearms. This enabled individual States to impose

effective controls designed to meet local conditions.

Not every section of that law was meritorious and effective, however. It included provisions controlling interstate transactions in all firearms ammunition and imposing strict recordkeeping requirements upon dealers in ammunition.

I opposed the inclusion of sporting ammunition in last year's law for two reasons. First, I felt that the provisions of the act relating to sporting ammunition would impose an unwarranted burden upon sportsmen and upon dealers; and, second, I believe that the recording requirements were unenforceable and could not effectively control interstate transactions in sporting ammunition.

Mr. President, the idea of recording transactions in ammunition is not new. Pistol ammunition has been subject to Federal regulation ever since the enactment of the Federal Firearms Act of 1938. The ammunition provisions of the 1938 law, however, have not been enforced.

Mr. John W. Coggins, Chief Counsel's Office, Internal Revenue Service, explained the failure to enforce the law in testimony before the House Interstate and Foreign Commerce Committee in 1963. Mr. Coggins told the committee that—

It has been found impracticable to effectively administer the provisions of the Federal Firearms Act relating to ammunition.

Mr. G. D. Belin, General Counsel of the Department of the Treasury, in testimony before the same committee objected to the wisdom of ammunition control by explaining:

Ammunition is not serially numbered and is very hard to identify. These factors make those provisions of the Act relating to ammunition impractical to administer. Further, we know of no instance where any of those provisions have been helpful in controlling the interstate flow of firearms or in enforcement.

It is unfortunate that notwithstanding the testimony of these knowledgeable witnesses who were in a position to know the shortcomings of ammunition regulations, Congress, in 1968, saw fit to include sporting ammunition in registration requirements.

The reactions of those charged with administering ammunition regulation has not changed.

On July 23, 1969, Mr. Randolph W. Thrower, the new Commissioner of Internal Revenue, addressed himself to this subject in testimony before the Senate Subcommittee to Investigate Juvenile Delinquency. In his statement, Mr. Thrower said:

With regard to ammunition transactions, it is only fair to report to the subcommittee that we are not able to process or check individual ammunition sales records in any meaningful way, particularly in view of the multitude of sales in only sporting ammunition.

Mr. Thrower went on to say:

We have serious questions as to the contribution to enforcement made by keeping records on sales of sporting ammunition. . . .

The problems inherent in the enforcement of the ammunition provisions of

the act were further highlighted by Mr. Donald E. Santarelli, Associated Deputy Attorney General. Mr. Santarelli told the subcommittee that "ammunition is fungible and, thus, not easily identified. Furthermore, the hundreds of thousands of daily transactions in sporting ammunition create a volume of records almost impossible to deal with."

It is clear that the ammunition provisions enacted in 1968 constitute little, if any, improvement upon the unenforceable provisions included in the 1938 act.

Mr. President, many of the predictions made during final debate of the 1968 Gun Control Act regarding regulation of ammunition sales by opponents thereof, have now materialized.

It was foretold that great harassment, inconvenience, and unnecessary added costs would be imposed on law-abiding users of firearms for sporting purposes. It was pointed out that the prescribed procedures would be undue and unnecessary restriction and burden; and the results thereof would not in any way contribute to the fight against crime, violence, or the criminal misuse of guns.

All of these things have come to pass and to be plainly evident.

The sheer volume of paperwork now required is staggering, all at great expense and time, as well as annoyance to the merchant as well as the customer.

Estimated sales transportations of .22-caliber ammunition per day are on the order of a quarter of a million. To this must be added shotgun shell sales to millions of hunters. It is estimated that total daily transactions during hunting season could readily reach a half million.

During the debate, attention was called to the many small town and rural merchants who had stocked such sporting ammunition for the convenience of their customers. Many did not even deal in firearms. But there would be large numbers of such businesses which would cease to thus accommodate the hunter. The reasons are plain: the voluminous, expensive, and in vain paperwork; the cost of the Federal license; and the potential of severe criminal penalty in case of a sale to a person prohibited by the law to buy, notwithstanding every good faith and reasonable effort to avoid making such illegal sales.

All of these forecasts have come about in numerous places and in a large total, according to reports; and have led to substantial inconvenience and added expense to thousands of lawful users.

All of these factors should at all times be considered against the background that: The required sales records serve no useful purpose; the Federal authorities are not able to process or check individual sales records in any meaningful way because of the astronomical number of transactions; the provisions regulating ammunition have not been helpful in controlling the interstate flow of firearms or in enforcement.

These provisions are not enforceable. It is most reasonable, therefore, to see that sportsmen and dealers are relieved of the unnecessary recordkeeping burdens placed upon them by the Gun Con-

trol Act of 1968. I believe that sporting ammunition should be excluded from Federal Control.

The Senator from Utah (Mr. BENNETT) introduced a bill, S. 845, to exempt certain sporting ammunition from the provisions of the Gun Control Act of 1968. I welcomed the opportunity to join the distinguished Senator from Utah, and many other Senators, as a cosponsor of this very good bill. S. 845 was assigned to the Committee on the Judiciary for consideration.

Subsequent to the introduction of S. 845, the chairman of the House Judiciary Committee made it known that his committee did not intend to consider any firearms legislation this session. This action, of course, spelled doom to S. 845.

To avoid this roadblock, Senator BENNETT withdrew S. 845 and introduced a substitute bill which was designed to fall within the jurisdiction of the Committee on Finance instead of the Judiciary Committee. This bill, S. 2718, of which I am also a cosponsor, would amend the Internal Revenue Code in such a way as to relieve dealers of the burden of keeping records of transactions in sporting ammunition. The content of that bill is now contained in section 5 of the pending bill.

Although this amendment will not go as far as many of us would like, I believe that it will be an improvement over existing law. S. 2718 will relieve the dealer from the excessive paperwork that is now required of him for each and every sale of sporting ammunition. It will also relieve the sportsmen from the interrogations by dealers each and every time they purchase sporting ammunition.

And most important of all, this amendment will in no way impair the objectives of the Gun Control Act—namely to keep the firearms out of the hands of the wrong people; and to reduce misuse and criminal use of firearms.

Mr. President, the Bennett amendment is a good one. I urge favorable action on it.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 12829) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BENNETT. I move to lay that motion on the table.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives 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 Presiding Officer appointed Mr. LONG, Mr. ANDERSON, Mr. GORE, Mr. WILLIAMS of Delaware, and Mr. BENNETT conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, if there is a Senator who did not get the message, there will be no further votes this afternoon.

**ORDER FOR ADJOURNMENT TO
TOMORROW VACATED**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order which would convene the Senate tomorrow at 12 o'clock noon be vacated.

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

**ORDER FOR ADJOURNMENT TO 10
A.M. MONDAY, OCTOBER 13, 1969**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock Monday morning, October 13, 1969.

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

**ORDERS FOR RECOGNITION OF
SENATOR COOK, SENATOR DOLE,
AND SENATOR JAVITS ON MON-
DAY, OCTOBER 13, 1969**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the disposition of the Journal on Monday, October 13, 1969, the distinguished Senator from Kentucky (Mr. Cook) be recognized for not to exceed 1 hour.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Kentucky, the distinguished Senator from Kansas (Mr. DOLE) be recognized for not to exceed 1 hour.

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

Mr. JAVITS. Mr. President, I would like approximately 20 minutes on Monday morning. Could the Senator in some way accommodate me?

Mr. MANSFIELD. Would the Senator like to come in at 20 minutes to 10?

Mr. JAVITS. If the Senator wishes. I would hope not.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Kansas (Mr. DOLE), the distinguished senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 20 minutes.

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

Mr. JAVITS. I thank the Senator.

**ORDER FOR TRANSACTION OF
ROUTINE MORNING BUSINESS ON
MONDAY, OCTOBER 13, 1969**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of remarks of the senior Senator from New York on Monday, October 13, 1969, there be a brief period for the transaction of morning business, with a time limitation of 3 minutes for matters relating to morning business.

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

**EXTENSION OF THE INTERSTATE
OIL AND GAS COMPACT**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate pro-

ceed to the consideration of Calendar No. 189, Senate Joint Resolution 54. I do this so that the bill will become the pending business.

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

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 54) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

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

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

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I ask the distinguished majority leader if he will be good enough to tell us of the future order of business.

Mr. MANSFIELD. Mr. President, it will be a pleasure to respond to the request of the distinguished minority leader.

Following the oil compact bill on Monday, we will turn to Calendar No. 447, Senate Joint Resolution 158, a joint resolution to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

Following that, it is anticipated that we will take up the OEO—somewhere in there; it will be available—plus Calendar No. 445, S. 1508, a bill to improve the judicial machinery. Then it is anticipated that we will take up Calendar No. 329, S. 2696, a bill to provide for continuation of authority for the regulation and expansion of exports.

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

Mr. MANSFIELD. I yield.

Mr. HOLLAND. I did not hear the Senator mention the two so-called potato bills, S. 1181 and S. 2214. Both have been on the calendar a long time. I am not familiar with any prolonged objection that is planned, but I have not really tried to find out about it. I think I would have heard of it.

Mr. MANSFIELD. I overlooked mentioning those two bills, which will be considered in tandem, so to speak, sometime next week—I hope the early part.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITTEN, Mr. NATCHER, Mr. HULL, Mr. SHIPLEY, Mr. EVANS of Colorado, Mr. MAHON, Mr. LANGEN, Mr. MICHEL, Mr. EDWARDS of Alabama, and Mr. BOW, were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 14159)

making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

OPERATION INTERCEPT

Mr. MANSFIELD. Mr. President, beginning on the afternoon of Sunday, September 14, and continuing to this day, nearly 2,000 agents of the combined Customs and Immigration Agencies have been stopping and searching northbound passengers and vehicles at 31 land points and 27 airports.

The results of this operation have been mixed. I understand that in the United States drug prices have increased, which would seem to indicate that Operation Intercept is stemming the flow, at least temporarily, especially of marihuana. In some cities the price doubled within a few days. But these short-range benefits must be balanced against the ill will created among the inconvenienced travelers, mostly Mexican, and a sharpening of the drug debate at home.

Although Mexican authorities have, to the best of their ability, cooperated with our Government, the reaction of private Mexican citizens has been sharp. The bulk of those inconvenienced by Operation Intercept are Mexicans, mainly those who cross the border daily to work. There are newspaper accounts of vehicles backed up for several miles and of long lines of people waiting in the heat to undergo the humiliation of a search.

In protesting, the Mexican Confederation of National Chambers of Commerce is trying to counter Operation Intercept with "Operation Dignity." The confederation charges that Intercept seeks to prevent Mexicans from crossing the border.

Delays encountered at the border cause economic hardship, again mostly for the Mexicans. Felix Belair, writing in the New York Times of September 24, said:

Enforcement officials readily agree that total inspection of all northbound vehicles and persons at the border amounts to noth-

ing less than limited economic sanctions against Mexico.

Critics of Operation Intercept also point to the lack of tangible results. During the first week, agents stopped 2,384,079 people at the 31 land points. Of these, 903,460 crossed on foot; the remainder were in 529,047 vehicles. The Washington Post of September 23 reported that of the first half million persons coming from Mexico, not a single marihuana smuggler was found. Another story a week later told of 33 persons arrested and 405 seizures of an "unspecified amount of marihuana and other drugs." Compared to the scope of the operation, pickings have been small.

Finally, the charge is made that the professional smuggler is unaffected by Intercept. When the operation is over, he will resume business as usual, while the legitimate economic interests of ordinary Mexican citizens may be harmed permanently, and I might say some American citizens as well.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "The Bureaucratic Error," published in the St. Louis Post-Dispatch of October 3, 1969, and also an editorial entitled "Is Intercept Worth the Price?" published in the Missoulian of Missoula, Mont., of October 3, 1969.

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

[From the St. Louis Post-Dispatch, Oct. 3, 1969]

THE BUREAUCRATIC ERROR

Mexico has privately retaliated against Operation Intercept, the Nixon Administration's Western tourist roundup aimed at the marihuana traffic, with Operation Dignity. This is an effort by Mexican chambers of commerce in border towns to keep Mexicans from going to shop or work in the United States.

Dignity is, no doubt, one of the principal Mexican concerns, since the effect of Operation Intercept is to put the country's entire border and anyone crossing it under dire suspicion of carrying marihuana. Indeed, President Gustavo Diaz Ordaz was sufficiently irritated to refer to the border searches as a "bureaucratic error" in welcoming America's astronauts to Mexico City.

Dollars also are involved, however, and we suspect few Americans comprehend what the traditionally open border means to Mexico. It means a kind of tourism that in 1967 procured one billion dollars for Mexico, or 87 per cent of that country's total export earnings, or enough to stabilize Mexico's balance of trade.

Now the State Department admits it failed to consult "sufficiently" with Mexican officials before Intercept was launched. We do not know whether sufficient consultation would have prevented a drive apparently aimed at proving how strongly the Administration stands against marihuana. Surely, however, American customs could have clamped down on the traffic more selectively and efficiently than by clogging the border with tourists waiting to be searched. "Bureaucratic error" seems a kindly word for an affront to a neighbor.

[From the Missoula (Mont.) Missoulian, Oct. 3, 1969]

IS INTERCEPT WORTH THE PRICE?

"Operation Intercept" against drugs along the Mexican border is intercepting very

little and the question is how long it can continue and at what cost.

The operation successfully is stifling the entry of illegal drugs—particularly marihuana, plus some hashish, heroin and cocaine—into the United States. Word of the operation got out long in advance, so those going south of the border to pick up the stuff had quit by the time the operation began.

So drugs aren't being intercepted in any quantity because very few people are trying to bring them through. Presumably the drugs will remain in Mexico until the heat lifts, after which business will resume.

Probably "Operation Intercept" is worth a try just to measure its consequences. We hope federal narcotics agents and independent researchers are hard at work making such measurements, because they are important.

The cost of the operation falls into four categories:

1. Maintaining the manpower and equipment the operation requires. How long the federal government can keep this up is unknown. It likely will keep the heat on hard for awhile, then let border inspections taper off, though not to the easygoing extent of yesteryear, with periodic unannounced intensive crackdowns.

2. The harm to U.S.-Mexican relations. Mexicans commuting daily into the United States are up in arms over the delays at crossing the border. Mexican business interests are upset over the drop in trade. The clampdown cannot continue at its present intensity without injuring relations between the two countries. Whether the Mexican national and state governments will be coerced by "Operation Intercept" into doing their own drug policing (which is what our government wants them to do) is doubtful.

3. Most important, as the operation cuts off pot supplies, where will American drug users turn and with what consequences? Marijuana users are predicting that the clampdown will increase consumption of habit-forming narcotic drugs as well as use of LSD and speed. That could be dangerous and terribly costly. "Operation Intercept" might succeed, but the patient probably will be more apt to die. This danger requires careful measurement.

4. Even before "Operation Intercept" began there was some evidence that organized crime was strongly intensifying its attempts to penetrate the illegal drug scene. The Mafia always has had a hand in the heroin smuggling and selling racket, but could not control the pot, LSD, and speed business because of the overwhelming amateur competition. If "Operation Intercept" aids Mafia penetration and control of drug areas it hitherto has shunned, the consequences could be incalculably bad.

All this presents a complex moral and legal dilemma to the federal government. It is right when it seeks to crack down on any illegal drugs, including marihuana.

Yet if its clampdown on pot increases the use of more destructive drugs and simultaneously assisted organized criminal domination of the drug underground, with all the sinister possibilities which criminal domination would bring, then the operation assists the moral and legal degeneration which until now has been an intimate but largely dormant part of much of the illegal drug scene.

If the operation produces the adverse consequences outlined above, the best thing would be to abandon it quickly and try to find less damaging ways to curtail the importation and use of illegal drugs.

Mr. MANSFIELD. Mr. President, I suggest that the best way to face up to this particular problem, and it is a problem for both countries, would be to meet

with representatives of the Government of Mexico on an equal and dignified basis and then work together toward a positive solution.

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

Mr. MANSFIELD. I yield.

Mr. AIKEN. Mr. President, yesterday afternoon the seriousness of Operation Intercept was brought to my attention. It was reported to me that as a result of this operation much of the good will which has been built up over recent years between Mexico and the United States, and it is a splendid example of good will between nations, was being seriously jeopardized.

On receiving this information, I called the top officials of the United States and reported what I had been told. I was advised that action would be taken very promptly to straighten out this situation because we cannot afford the ill will of Mexico, and this operation was proving to be extremely embarrassing and costly to our good neighbors to the south.

Mr. President, I might as well say that the President advised me the administration would go to work as rapidly as they could to solve this situation. About 2 hours ago I received a call from the administration, to the effect that they had met with Mexican authorities this morning, that great progress has been made on reaching an agreement satisfactory to both countries, and that we might expect within a matter of hours—although probably not today—a formal announcement that a solution had been found through the mutual cooperation and participation of both countries.

Mr. President, I wish to commend both the Mexicans and our own administration for recognizing this serious problem and salute them both for the speedy solution that they worked out.

Mr. MANSFIELD. Mr. President, I, too, wish to commend the administration for the good news which the distinguished senior Senator from Vermont (Mr. AIKEN) has just given to us. I am glad to note, if I interpret his statement correctly, that the representatives of the Mexican Government, who have been meeting with officials of the Department of Justice, are making good and satisfactory progress. It looks as if it might be possible that a solution on a dignified, mutually acceptable, and mutually agreeable basis will soon be announced. If it is, I think the distinguished Senator from Vermont will be entitled to a great deal of credit for what all of us hope will be a happy solution.

Mr. AIKEN. Mr. President, the Senator from Vermont is not asking for any credit, but will consider it most satisfying if this problem can be solved without delay. I have every reason to believe that within the next 24 hours we may have even better news.

Mr. MANSFIELD. I am delighted.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I, too, am delighted to hear what the Senator from Vermont has reported with respect to

this matter. I believe the majority leader has properly assessed the matter with regard to stopping the flow of narcotics or is not an addictive drug.

into this country, although there is an argument as to whether marihuana is

I wish to point out to the Senator something I think we could do ourselves. My interest in this problem has been reawakened. When I was attorney general of New York, I served as the chairman of the attorney general's committee on this subject. In that capacity, I served with the Senator from Iowa (Mr. HUGHES), who is now doing such a splendid job as the chairman of the Subcommittee on Alcoholism and Narcotic Drugs of the Committee on Labor and Public Welfare.

One of the elements of the agreement with the Mexicans is very likely to be the availability of some helicopters and other equipment to engage in surveillance over the raising of narcotic-producing plants. I understand this is illegal there, too. The administration will want to know whether we look with favor on that kind of a cooperative surveillance effort, as contrasted with the rather awkward and difficult Operation Intercept.

I just wanted to call that to the attention of the majority leader. His views and those of the ranking minority member of the Committee on Foreign Relations will be critically important if it should be possible to achieve an agreement such as the one to which the Senator from Vermont has referred.

Mr. AIKEN. Mr. President, if the Senator will yield further, for another minute, I want to say that the majority leader has been instrumental over the years in building up the excellent relations which exist between the United States and many countries, but particularly between Mexico and the United States.

In fact, our majority leader is respected in virtually every country in the world and enjoys unquestioned credibility in each of them.

Our distinguished majority leader has played a substantial part in reaching the solution to the present agreement. Perhaps I have spoken out loud, or out of turn—I do not know about that—

Mr. JAVITS. Never.

Mr. AIKEN. But the main thing is the result and it looks as though we will get results in this present episode within the next few hours.

Mr. MANSFIELD. Mr. President, as always, the senior Senator from Vermont (Mr. AIKEN) is too modest about his participation and influence in matters of this nature.

I note that we have in the Chamber at this moment the distinguished Senator from Iowa (Mr. HUGHES). I recall reading a few weeks ago something to the effect that he was conducting hearings having to do with alcoholism and drug addiction.

If I recall correctly, the Senator heads a subcommittee operating out of the parent Labor and Public Welfare Committee. If I recall further, now that the ranking minority member of the committee is in the Chamber, the Senator from Iowa is chairing the subcommittee, making the study, the inquiry, the investigation,

without any funds or any staff to help him. Is that correct?

Mr. JAVITS. That is correct, and he is doing a fine job.

Mr. MANSFIELD. He certainly is doing a fine job. He is doing a magnificent job. No one is more capable of so doing than he.

If I may, I should like to suggest—I have never done this before in my 17 years of service in the Senate—that the Committee on Labor and Public Welfare might well see fit to appropriate or allocate some of its money to this particular subcommittee which is facing up to the evils of alcoholism and drug addiction. These problems are two of the most significant facing our society today and the great interest and involvement into these social problems that the Senator from Iowa has demonstrated should be utilized to their fullest so that the substantial progress we all seek can be best achieved.

Mr. President, so far as I am concerned, let me say that I would be more than willing, either in open session before the Committee on Rules and Administration, or in any other way, to try to get at least a substantial amount of money for the carrying out of the activities of the subcommittee which the Senator from Iowa (Mr. Hughes) is chairing, to the end that he can put his expertise and knowledge—as he has up to this time—to better use in finding solutions to the problems of alcoholism and drug addiction, which are not becoming less prevalent, but more prevalent in this country with the passing of each day.

Mr. HUGHES. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HUGHES. I should like to thank the Senator from Montana for calling attention for the second time to the fact that the subcommittee I chair has no funds, but to point out that the chairman of the Committee on Labor and Public Welfare has given me the utilization of mailing privileges, and telephone privileges, and has in fact been supplying some daily expenses as we have traveled around the country. But, we have been hustling, trying to pay our travel expenses, in most instances.

It is true, we are operating on limited funds. When we get to publication, I am not sure where we will be; but with the help of the able Senator from New York (Mr. JAVITS) and the distinguished majority leader, and others, I have enough faith and enough hope, with the Nation facing these two great problems, that we will find a solution and the money, at least, to print the results of what we come up with.

Mr. President, concerning the border incident, let me point out another set of circumstances.

As the Senator from New York indicated, there is great controversy over the drug cannabis, or marihuana, and the fact that Operation Intercept was primarily hitting at marihuana.

It should be pointed out that much of the border conflict there is hitting at pills manufactured in the United States, being shipped to Mexico, and coming back, plus the question of whether some of those pills are going to Mexico or are

just being turned around at the border and coming back.

So, they are not hitting at marihuana alone. Also, the fact that question has been raised, that by driving prices of marihuana so high in this country, more people will be turning to "speed" and other narcotic drugs, which will have a much more dangerous effect than that of marihuana. But that question is not one that the administration or the subcommittee can answer in line with the laws of both Mexico and the United States.

We must enforce the laws to the best of our ability. As the Senator from New York (Mr. JAVITS) has indicated, he certainly will have the cooperation of this Senator, although I might be in disagreement with him on some of his philosophical views. We are trying to do the best we can with the law as it now exists.

I want to thank the distinguished majority leader once more for pointing out the needs of the subcommittee.

Mr. MANSFIELD. We will try to put a little substance in that faith the Senator is talking about, and that we are operating on.

Mr. JAVITS. I will, too.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS, INCLUDING MINORITY AND SUPPLEMENTAL VIEWS DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the adjournment of the Senate today and until 10 o'clock a.m. on Monday next, all committees be authorized to file reports, including minority and supplemental views thereon.

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

ADJOURNMENT TO 10 O'CLOCK A.M., MONDAY, OCTOBER 13, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock a.m. on Monday next.

The motion was agreed to, and (at 5 o'clock and 27 minutes p.m.) the Senate adjourned until Monday, October 13, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nomination received by the Senate, October 9, 1969:

DEPARTMENT OF JUSTICE

Clarence M. Coster, of Minnesota, to be an Associate Administrator of Law Enforcement Assistance, vice Wesley A. Pomeroy, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 9, 1969:

U.S. MARSHALS

Harlan R. Hosch, of Illinois, to be U.S. marshal for the eastern district of Illinois for the term of 4 years.

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the eastern district of Tennessee for the term of 4 years.