# SENATE—*Monday, October 13, 1969*

The Senate met at 10 o'clock a.m. 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:

Eternal Father whose word declares: "It is a good thing to give thanks unto the Lord, and to sing praises unto Thy name, O Most High: to show forth Thy loving kindness in the morning and Thy faithfulness every night." We adore Thee in the beauty of the world, in the goodness of the human heart, in the faithfulness of friends, and in Thy thought within the mind. Our pause is our prayer and Thy presence is the answer. As the days of a new week open, invest Thy servants in this body with wisdom and grace sufficient for their tasks. Above differences and divisions, above conflict and confusion, may they know the deeper unity of those whose minds are stayed on Thee. Anoint the people of this good land with Thy spirit that they may help open for all men the gates of the kingdom everlasting whose Builder and Maker is God. Amen.

## REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of October 9, 1969, Mr. NELSON, from the Committee on Labor and Public Welfare, reported favorably, on October 10, 1969, an original bill (S. 3016), to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, and submitted a report (No. 91–453) thereon, which bill was placed on the calendar, and the report was printed.

## THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 9, 1969, be dispensed with.

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. Leonard, one of his secretaries, and he announced that on October 10, 1969, the President had approved and signed the following acts:

S. 713. An act to designate the Desolation Wilderness, Eldorado National Forest, in the State of California; and

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

## EXECUTIVE MESSAGES REFERRED

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

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

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1242) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the corporation for public broadcasting, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended; agreed to the conference by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLATNIK, Mr. JONES of Alabama, Mr. WRIGHT, Mr. FALLON, Mr. CRAMER, Mr. HARSHA, and Mr. GROVER were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, in which it requested the concurrence of the Senate.

## HOUSE BILL REFERRED

The bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, was read twice by its title and referred to the Committee on Commerce.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Kentucky (Mr. COOK) for a period of not to exceed 1 hour.

Mr. KENNEDY. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. COOK. I yield.

Mr. KENNEDY. I thank the Senator.

## WAIVER OF CALL OF THE CALENDAR

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

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

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. 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.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that, following the remarks of the senior Senator from New York (Mr. JAVITS), there be a period for the transaction of routine morning business and that statements in relation thereto be limited to 3 minutes.

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

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

Mr. COOK. I yield.

Mr. McGOVERN. I thank the Senator.

## THE VIETNAM MORATORIUM

Mr. McGOVERN. Mr. President, the Vietnam moratorium scheduled for Wednesday of this week will, in my judgment, prove to be the greatest nationwide outpouring for peace ever experienced in this country; but it is important that it not be confused with the senseless violence on the part of so-called radicals that took place in the city of Chicago last week.

The Wednesday moratorium was conceived and organized by the finest young people in this Nation. It is a national town meeting of conscience against the destructive war in Vietnam. It is the peaceful, constructive, and patriotic expression of dissent in this Nation. It is joined by millions from every political persuasion; and, by every account, it reflects the judgment of most of the American people. No one should confuse the Wednesday moratorium with the kind of mindless, destructive activity which took place last week in Chicago. The moratorium seeks to end violence, not to expand it; it seeks serious discussion, not the screaming of slogans; it believes in the decency and good sense of the American people, not the shallow ideology and viciousness of recent demonstrations in the parks and streets of Chicago.

(At this point Mr. McGOVERN assumed the chair.)

## THE NOMINATION OF JUDGE HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. COOK. Mr. President, as a firm supporter of the confirmation of Judge Haynsworth, I welcome Senator BAYH's "bill of particulars" which he released to the press Wednesday afternoon. Both the opponents and the supporters of Judge Haynsworth can now stop dealing with ghosts, rumors, and innuendos and address themselves to what the judge's principal foes conceive to be the reasons for opposing his confirmation.

I have carefully reviewed the bill of particulars, and my studied conclusion is that the mountain of opposition has

labored, and given forth a mouse of justification. The principal item in the bill is a rehash of the new time-worn details of Carolina Vend-A-Matic and the Darlington Corp. case—a criticism that was exploded by the chairman of the American Bar Association Committee on Judicial Selection, and by the leading authority on judicial disqualification in the country, during the very first week of the hearings before the Senate Judiciary Committee. Another charge reiterated in the bill of particulars is the claim that Judge Haynsworth should have disqualified himself in several cases in which he held stock in a parent corporation, and a subsidiary of the parent was a party litigant before his court. Unfortunately, instead of carefully analyzing the very real problems that exist in this area, Senator BAYH has contented himself with stating the bald conclusion that Judge Haynsworth's refusal to disqualify himself was a violation of the statute and of the Canons of Ethics. I find this conclusion wholly unsupported, either in reason or in precedent.

Finally, analyzing as carefully as I can that section of the bill entitled "Demonstrated Lack of Candor," I can only say that I am left with the firm feeling that any lack of candor there may be is not that of Judge Haynsworth.

I think the Senate Judiciary Committee, and the Senate as a whole, is entitled to something more than just rhetoric on this matter, and I would therefore like to take up these three principal charges in the bill of particulars in detail.

1. CAROLINA VEND-A-MATIC

This history of Carolina Vend-A-Matic has been told and retold both in testimony before the Senate Judiciary Committee, and in media coverage of the nomination of Judge Haynsworth. The best answer to Senator BAYH's rehash of these same facts in his bill of particulars is to be found in the statements of two witnesses who testified before the Senate Judiciary Committee in connection with its hearings on the nomination:

We believe that there was no conflict of interest in the *Darlington* case which would have barred Judge Haynsworth from sitting and we also concluded that it was his duty to sit. (Testimony of Lawrence E. Walsh, Chairman of the American Bar Association Committee on Judicial Selection, and himself a former federal judge, Transcript, Hearings before the Senate Judiciary Committee, Nomination of Honorable Clement F. Haynsworth, hereinafter called "Transcript", p. 243.)

The second witness, John P. Frank, probably the leading authority on the subject of judicial disqualification in the country, rejected the argument now revived by Senator BAYH with these words:

It follows that under the standard federal rule Judge Haynsworth had no alternative whatsoever. He was bound by the principle of the cases. It is a judge's duty to refuse to sit when he is disqualified, but it is equally his duty to sit when there is no valid reason not to . . . I do think that it is perfectly clear under the authority that there was literally no choice whatsoever for Judge Haynsworth except to participate in that case and do his job as well as he could. (Transcript, 199–200.)

Senator BAYH's purportedly factual discussion of Carolina Vend-A-Matic contains several statements which can only be described as disingenuous.

(a) He stated that he orally resigned from the vice presidency in 1957, but the corporation records show he was listed as vice president until 1963 and indeed regularly attended meetings of the board of directors and voted for slates of officers through the years.

The obvious import of this statement is that the fact that Judge Haynsworth regularly attended meetings of the board of directors, and voted for slates of officers through the years, tends to support the conclusion that he knew he was carried on the corporate records as a vice president of the corporation until 1963. Anyone who has had any familiarity with closely held corporations and the methods by which they conduct their business, will not be overly impressed by this logic. But more important, it is undisputed that Judge Haynsworth submitted a written resignation of his position as a director of Carolina Vend-A-Matic in October 1963, pursuant to a resolution of the Judicial Conference of the United States disapproving of judges holding either directorships or offices in corporations organized for profit. If he had realized that he was carried on the corporate books as a vice president at this time, is there any doubt that he would also have resigned his office as vice president?

He goes on to state:

(b) "Although the judge claims he was an inactive officer, the minutes of the corporation indicate that such was not the case. Directors were active in locating new business and Judge Haynsworth took an active part in directors' meetings, often making motions himself. While he was director of Carolina Vend-A-Matic, he took part in decisions to buy and sell land to himself and other directors on the profit sharing trust."

There is no requirement of judicial conduct that a judge owning an interest in a business be completely inactive in that business. The statement with respect to Judge Haynsworth's activity in the affairs of Carolina Vend-A-Matic was originally made in the context of the 1963 investigation conducted by Chief Judge Sobeloff, and was directed to the issue of whether Deering-Milliken personnel in charge of granting concessions to vending machine companies might have known of Judge Haynsworth's connection with Carolina Vend-A-Matic, and tended to favor it for that reason. Judge Sobeloff concluded that this was emphatically not the case, and none of the facts contained in Senator BAYH's statement contradict that conclusion in the slightest. Since they do not bear on that conclusion, they can only be described as red herrings, which tend to prove or disprove nothing in connection with Judge Haynsworth's judicial conduct while on the court of appeals for the fourth circuit.

He proceeded to say:

(c) "In 1957, after Judge Haynsworth assumed the bench, the gross sales of CVAM and its subsidiaries increased tremendously."

Mr. President, at this point I ask unanimous consent to have printed in the RECORD two letters, one addressed to the Senator from South Carolina (Mr. HOLLINGS) and the other addressed to the chairman of the Committee on the Judiciary, the Senator from Mississippi (Mr. EASTLAND), from the president of the largest vending machine company in South Carolina, who emphatically states that he does not know of any instance when Judge Haynsworth ever involved himself in the acquisition of business for Carolina Vend-A-Matic.

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

ATLAS VENDING CO., INC.,
*Greenville, S.C., September 5, 1969.*

HON. ERNEST F. HOLLINGS,
*Senate Office Building,*
*Washington, D.C.*

DEAR MR. HOLLINGS: There have been a lot of rumors in our newspapers lately concerning Judge Haynsworth, his business connections and ethics. Let me take this opportunity to speak in his behalf.

It seems to me his having an interest in a vending company should not be a deterring factor in his being appointed to the Supreme Court. As in the past, any person who owned stock in a vending company seemed to leave a bad taste in the mouths of the people. Speaking as an independent operator and in behalf of independent operators like Carolina Vend-A-Matic, we are a business like any other business, part of a free enterprise. A business whose ethics are up to or surpass any other business in this nation and we resent being classified as a "Bobby Baker Case". I cannot, however, speak for the ethics of the national vending companies.

I am probably the oldest vendor in this area and probably know more about the operation of my then competitor, Carolina Vend-A-Matic than any other person in this area in which they operated. I own and operate Atlas Vending Company, Inc. here in Greenville, South Carolina and have been doing so for over thirty years. Carolina Vend-A-Matic was a competitor of ours and during the time this company was Carolina Vend-A-Matic the stockholders and the management did nothing unethical in obtaining new business or in holding old business. As you know, they are now known as A.R.A. Service and Judge Haynsworth is not a stockholder in the present company. I had the greatest regard for Carolina Vend-A-Matic, its employees, and its management for the ethical manner in which they conducted business. If all the other companies or competitors could come together around a conference table I am sure they would feel that the good points of Carolina, in the way in which they conducted business would certainly overcome and outweigh any competitive "jealousy". All of the vendors in this area, which at that time were several in number, had equal opportunity to obtain business. We got some of the business, others got some, and Carolina got some. Judge Haynsworth to my knowledge was never an officer of Carolina Vend-A-Matic and at no time used his position to gain new business. To the best of my knowledge the Presidents of Carolina Vend-A-Matic were Francis Marion and Gene Bryant.

The persons who were the stockholders of Carolina are well known to me. They are men af great means who are honorable and respectable business men who would never stoop to gaining wealth by using their position or their influence in unethical measures.

The reason that Carolina and myself and others have grown and gained in the vending industry is due largely and for the most part to the change in the times in the textile industry. The textile plants approached vending seeking more modern means to feed their people. They needed better quality food, with less time involved in feeding in order to gain through production. The textile plants are looking out for their people. The business is gained through competitive bidding. A textile firm will often have as many as five to

twenty bids on which to base their decision. These bids are reviewed by employee committees, personnel, and management in order to come to a decision in the best interest of all concerned. This leaves little room for personal or political gain.

My reason for writing this letter is that I can no longer sit still and see the charges being made by the news media and the attempts by them and others to dig into the past and use facts in such a way as to throw reflection on Judge Haynsworth with no knowledge of the person whom they are talking against or the great injustice which they are doing to our nation. It seems that personal and political gain is clouding the minds of some and closing their eyes to the truth. Now is not the time for self, we must put our nation first and our nation needs a good Supreme Court.

We have been visited recently by a Charlotte reporter who asked questions regarding Judge Haynsworth's past vending affiliations. One of his questions dealt with whether or not Carolina Vend-A-Matic had the vending for the Deering-Milliken Plant in Darlington, South Carolina. My reply to him was that at that time neither I nor Carolina could go beyond our own county because of our volume of business and that it was some years later that we were able to spread into other areas within our state.

The dignity and reputation of a man like Judge Haynsworth must and will be spoken with truth. The people of this nation should be proud to have a man of his character in the Supreme Court. I, personally and wholeheartedly, support President Nixon's choice of this man; but, Senator, it will be a grave injustice if his record is not wiped clean before his appointment and it must be done by people who know him and who have been in contact with him. People from other states and in other capacities should not be judging a man for their own benefits.

My only aim in writing this letter is to see that the reputation of this man does not fall into the hands of a few and to do my part to see that he becomes a part of the Supreme Court of the United States. I would be willing for and would urge you to use this letter, any or all of it, at your discretion before the Judiciary Committee or in any other way it might be beneficial to Judge Haynsworth's appointment and this nation. I will also be available, at my own expense, to come to Washington and appear before the committee on his matter. We need Judge Haynsworth in the Supreme Court and we need the slate wiped clean. Please use this letter to that end.

Sincerely,

ALEX KIRIAKIDES, Jr.

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ATLAS VENDING CO., INC.,
*Greenville, S.C., October 6, 1969.*

Re: Judge Clement F. Haynsworth, Jr.

Hon. JAMES O. EASTLAND,
*Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.*

DEAR SENATOR EASTLAND: Sometime ago I wrote to Senator Thurmond and to Senator Hollings about the slanders which are being circulated in the press about Judge Haynsworth and Carolina Vend-A-Matic Company. I am disappointed that those letters did not get into the record of the hearings, as I am now informed. I am so disturbed about the matter, however, that I, at least, want you to know about it.

I have been in the vending business in Greenville for many years. I operate complete food vending services in many industrial plants. Many of them are textile plants, for that is still the principal industry in the area. A number of my installations are in plants affiliated with Deering-Milliken.

Because of the growing recognition that vending services provide the most pleasant and most efficient means of providing food and refreshment for industrial employees, the industry throughout the United States has experienced phenomenal growth. In the Southeast general industrial expansion has made the growth of all vending companies even more spectacular. The experience of Carolina Vend-A-Matic was not in the least unique to it. My own business experienced comparable growth. A vending business in Spartanburg, just thirty miles to the West, had similar experiences. It is simply the case of having a service to offer at a time of a rapidly rising demand for that service.

While all of the vending services in this area have prospered, the competition has been keen. I competed with Carolina Vend-A-Matic for locations in textile plants and other industrial plants. Sometimes I got the business; sometimes they got the business; sometimes somebody else got it.

The practice in the area was to make these awards on the basis of open bidding. The business was awarded after a careful comparison of the bids. Of particular importance was the location of the plant in relation to the vending company's service centers and the existence and location of a commissary operated by the vending company. If, considering all of these factors, an appraisal of the bids would show that I was the one in position to render the best service, I got the business; if not, it went to the bidder who was.

This business was not developed on the basis of anyone using anyone's influence on anybody. I know that Judge Haynsworth's name was never used in an attempt to influence anybody. As a very active competitor, I knew what was going on in the business, and I would have heard of it if it had been. Carolina Vend-A-Matic under the direction of Mr. Wade Dennis operated in an honest and honorable fashion. They did a good job and were tough competition, but I and the other competitors had nothing to complain about it.

I do resent all of the aspersions being cast upon the industry as a whole, upon Carolina Vend-A-Matic, and the attempts to reflect upon Judge Haynsworth's character and reputation. I have known him since we were boys together. He is an honorable man fully deserving the very high reputation he has enjoyed until some people with their very unjustified slanders have attempted to impair it.

I would be very happy to come to Washington to discuss this matter with you and the members of the Committee, or with anyone else with whom you would like me to talk, but I do think that someone should speak up and tell the truth in the face of all of the misinformation being circulated in the press.

Yours very truly,

ALEX KIRIAKIDES, Jr.,
*President.*

Mr. COOK. Mr. President, one may hope that this is not the sort of reasoning process which will commend itself to the Senate Judiciary Committee, or to any other deliberative body which seeks to proceed in a rational manner.

Insofar as the six other cases involving purported customers of Carolina Vend-A-Matic referred to in Senator BAYH'S statement, the conclusion is inescapable that the judge was equally under a duty to sit in these cases as he was in the case involving Darlington Corp. It is worth noting parenthetically that the inclusion in this group of cases of the Kent Manufacturing Corp. appears to have been a mistake. There appears to be no connection between Kent Manufacturing Corp., a Maryland corporation which manufactures fireworks, and was the litigant referred to by Senator BAYH, and the Kent Manufacturing Co., a woolens manufacturer in Pennsylvania which operated the Runnymeade plant in Pickens, S.C.

I turn now to Senator BAYH'S claim that Judge Haynsworth should have disqualified himself in five cases in which he sat during his 12 years as a judge of the court of appeals, because, according to the "bill of particulars," "he had a substantial stock interest in litigants before him." One of these cases is the Brunswick case, to which I will come in a moment; the others are *Farrow* v. *Grace Lines, Inc.*, 381 F. 2d 380 (1967), *Merck* v. *Olin Mathieson Chemical Corp.*, 253 F. 2d 152 (1958), *Darter* v. *Greenville Community Hotel Corp.*, 301 F. 2d 70 (1962), and *Donohue* v. *Maryland Casualty Co.*, 363 F. 2d 442 (1966). Senator BAYH does not say what he means by "a substantial stock interest in litigants"; but I think it important to present to the Senate precisely what the facts were in each of these cases. In two of them—Grace Lines and Donohue—the judge did not hold stock in the party litigant, but he held a small amount of stock in a corporation which in turn had a controlling interest in the litigant. In Merck, I have been unable to find even this type of connection between a litigant and any company in which the judge held shares. Here are the facts with respect to these five cases:

Senator BAYH claims that Judge Haynsworth had a substantial interest in the Greenville Community Hotel Corp. when that corporation appeared before his court in 1962. In 1962, Judge Haynsworth had absolutely no interest in the Greenville Community Hotel or in any company having any interest in that corporation. On April 26, 1956, one share of the Greenville Community Hotel Corp., worth $21, was transferred to Judge Haynsworth so he could be a director of that corporation, a position he held until he went on the bench in 1957. On New Year's Day 1958, he received a check for 15 cents for the 1957 dividend. Thinking he no longer owned the one share, he sent the check to Alester G. Furman, Jr., who had originally transferred the one share to him. Furman returned the check and Judge Haynsworth listed it on his tax return. The share was later transferred to Furman who sold it on August 1, 1959, for the same $21. Yet Senator BAYH claims Judge Haynsworth had a substantial interest in the corporation in 1962.

Senator BAYH also charges that Judge Haynsworth had a substantial interest in Brunswick Corp. when it appeared before his court in 1967. Both Judge Winter and Judge Haynsworth testified before the committee that the court of appeals agreed on the disposition of Brunswick Corp. against Long on November 10, 1967. While the written opinion in Brunswick had not yet come down, it is difficult to see how he had any substantial interest in the outcome of the case. Whether Brunswick won or lost the case could not possibly have made any material difference to its stockholders.

Brunswick had outstanding 18,479,969 shares of common stock. If the full $90,000 of future rents for all 7 years of the unexpired term of the lease had been recovered by the plaintiff, it would have only received $90,000 which is less than ½ cent per share of Brunswick's 18,479,969 shares of stock outstanding. This, as was pointed out in the Judiciary Com-

mittee, would translate into one-half of 1 cent per share on the 1,000 shares of stock owned by Judge Haynsworth, or the grand total of $5.

Senator BAYH claims that Judge Haynsworth should have disqualified himself in 1967 in Farrow against Grace Lines, Inc. because of his substantial interest in one of the litigants. Judge Haynsworth owned no stock in Grace Lines, but he did hold 300 shares of the parent corporation, W. R. Grace & Co. Grace Lines, Inc. was one of 53 subsidiaries owned by W. R. Grace & Co., and it contributed less than 7 percent of the parent company's 1967 revenue of $1,576,000,000. In this same year W. R. Grace & Co. had 18,252,335 shares of common stock outstanding. Judge Haynsworth's 300 shares gave him a .00001 interest in the common stock of this company. Even if the plaintiff's claim of $30,000 against Grace Lines had been awarded, the effect of that judgment on a company with a yearly revenue of over a billion and a half dollars would have been extremely minute. Assuming that the common stockholders were held solely liable for this amount, such a judgment would have reduced the value of Judge Haynsworth's entire holdings by a grand total of 48 cents.

Judge Haynsworth had no direct interest in either of the litigants in Donohue against Maryland Casualty. He did own 67 shares of common stock and 200 shares of preferred in American General Insurance Co., a corporation in which Maryland Casualty was one of at least 12 subsidiaries. It is of course difficult to measure the effects of a judgment against the subsidiary of a corporation such as American General with total consolidated assets of $888,857,336, total income of $356,602,892, and a consolidated net profit of $26,672,196. It is highly doubtful that an adverse judgment would have any sufficient effect on Judge Haynsworth's fractional interest in such a mammoth corporation. Indeed, Judge Haynsworth's interest amounted to 0.0059 percent of the 3,279,558 outstanding shares of preferred and 0.0015 percent of the four and a half million shares of common stock.

Finally, Senator BAYH suggests that Judge Haynsworth should have disqualified himself in Merck against Olin-Mathieson Corp. because he owned shares in Monsanto Chemical Corp. The only connection between Olin Mathieson and Monsanto I have found in public records is remote—

Olin-Mathieson was formed in 1954 by a merger of Olin Industries, Inc., with Mathieson Chemical Corp. Mathieson Chemical was formed in 1892 as Mathieson Alkali Works, Inc., a producer of various chemical products. In September 1929, Mathieson Alkali Works sold its small organic chemical plant located at Newark, N.Y., to Monsanto Chemical Co., for 6,490 shares of Monsanto stock. At the time, Monsanto had 398,286 shares of stock outstanding. Monsanto dismantled the plant and moved it to St. Louis. During 1929, Monsanto stock was traded between 96 and 101. Monsanto stock has since split several times. I have been unable to determine if Olin-Mathieson still owns the shares received by Mathieson Alkali from Monsanto in 1929. If it does, then Olin-Mathieson and Judge Haynsworth both own stock in Monsanto—and not by any fair use of words can Judge Haynsworth be said to own an interest in Olin-Mathieson.

I think it is vital that we consider these cases in some depth, in the context of the nearly 3,000 cases in which Judge Haynsworth sat during the 12 years that he was a judge of the court of appeals. Indeed, discouraging as the campaign of rumor, innuendo, and slander against Judge Haynsworth has been, I think that many thoughtful people are seriously concerned about the allegations of "conflict of interest," and I think that perhaps there is an opportunity for some constructive action by both the Senate Judiciary Committee and the Senate as a whole in exploring this subject in connection with the confirmation of Judge Haynsworth. I would suggest that there are two different points of view on this question of "conflicts of interest"—what might be called a layman's point of view or the commonsense point of view, on the one hand, and the lawyer's point of view on the other. I do not mean to suggest that these should necessarily reach different conclusions; indeed, I would suggest quite the opposite. But I do suggest that both methods of approach to the question can contribute to the discussion, and to the ultimate resolution of the issues which confront us.

Let us start with the layman. What do we want of our judges?

First, we want no bribery, no corruption, and no improper use of judicial influence. There has not only been none here, but there has not been even the slightest hint of it, and Senator BAYH's bill of particulars so states. I will therefore not dwell longer on this point.

But we want more than this from our judges. We do not want them to be in a position where it might reasonably be thought that their decision in a particular case is influenced by the possibility of personal gain resulting from deciding the case one way, as opposed to deciding it another way. We do not think that members of the Federal judiciary, given life tenure and income, sworn to uphold the Constitution and to faithfully enforce the laws, would in fact be influenced in this manner, but we do not want them put in a position where any question can arise. This is the principle of "conflict of interest" about which we have heard so much during the confirmation hearings.

If we now analyze these cases upon which Senator BAYH relies in terms of these commonsense principles, I do not think that anyone can seriously doubt that Judge Haynsworth must be given a clean bill of health. He not only was not in fact influenced by any personal interest in deciding the cases, but no reasonable person could think that he was influenced by such interest.

Now let us turn to the legal approach to conflicts of interest. And, make no mistake about it, we deal in an area where there is a governing statute, where the American Bar Association has promulgated canons of judicial ethics, and where there are decided cases. Senator BAYH's bill of particulars limits itself to stating conclusions. To deal with a question in this way is virtually useless; like so many other areas of the law, careful analysis is required.

First of all we have a governing statute, section 455 of title XXVIII, United States Code. On the question of disqualification for interest, that statute reads as follows:

> Any Justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest . . .

Now, there are several things that are worth noting about this language. In the first place, the basis for disqualification is not a substantial interest in a litigant, but a substantial interest in the case itself. As a matter of original inquiry, one would think that a judge considering whether or not he should disqualify should take into consideration not merely the amount of his interest in the litigant, but the potential effect on the litigant of a decision one way or another in the case.

The only case I can find bearing directly on the point is *Lampert* v. *Hollis Music, Inc.*, 105 F. Supp. 3 (1952), in which a judge of the eastern district of New York stated that where the amount of stock in a litigant held by the judge was minimal, disqualification was not required under the statute.

I do not think any competent lawyer would dispute the conclusion that if we dealt only with the language of the Federal statute, and the Lampert case, Judge Haynsworth would not have been required to disqualify himself in any of these cases we are discussing.

However, the American Bar Association Canons of Judicial Ethics speaks, not in terms of the judge having a substantial interest in the case, but instead of not "performing or taking part in any judicial act in which his personal interests are involved." Since we do not find the word "substantial" modifying "interests" in this language from canon 29, it is certainly fairly arguable from the language itself that a much smaller interest would require disqualification under canon 29 that would require disqualification under the Federal statute. I add that these canons were reviewed, reestablished, and printed only last year—not in 1957, 1958, 1961, or 1962, but in 1968, after these so-called violations occurred.

This brings us right up against a point which Judge Walsh alluded to in his testimony before the committee, but on which I have seen almost no public discussion since that time. It is raised by the very natural question,

> If the American Bar Association has imposed a stricter standard for disqualification than that imposed by the federal statute, why shouldn't federal judges adhere to the stricter of the two standards?

I think the natural tendency of all of us at this point is to feel, in effect, that "nothing is too good for our boys," and that therefore the very strictest standard of disqualification is none too strict for Federal judges. My considered judgment is that this natural initial reaction is entirely wrong, but that it is so very natural that it has tended to distort the entire debate on disqualification. Participants of the discussion on both sides

have looked upon judicial disqualification as if it were at least in part a matter of morality, and that therefore the more a judge disqualified himself, the more upright and honorable the judge was.

But at least in our Federal system, this is not so. We have it on the authority of several Federal courts of appeals that a judge is obligated to sit in any case in which he is not disqualified by law. There are very good reasons for this rule: disqualification can have a disruptive effect on the normal process of trial and appellate review of law suits, and is by no means a value which is to be preferred over all other values in our judicial system. The law as developed in the Federal cases not only does encourage judges to bend over backward to disqualify themselves in a case by reason of interest, but it most emphatically requires each judge to decide as objectively as he can whether or not he is disqualified in any particular case. To the extent, then, that there is any conflict between the Federal statute and the American Bar Association Canon of Ethics, the Federal statute must prevail.

Senator BAYH concludes, without giving us the benefit of his reasoning, that Judge Haynsworth violated canon 29 when he sat in these cases. I am not at all sure that I agree with that conclusion. Formal opinion No. 170 of the American Bar Association states that a judge shall not sit in a case in which he owns stock in a party litigant. In three of the cases we are discussing here—Farrow, Merck, or Donohue—Judge Haynsworth did not own stock in a party litigant. And in Greenville Community Hotel, the judge did not own such stock at any time during the litigation.

But one may ask, Is not ownership of stock in a corporation which in turn has a controlling interest in a party litigant not the same as the case in which the judge owns stock in the litigant itself? No opinion from the American Bar Association Ethics Committee has passed on this point, and the principal case in the field, *Central Pacific Railway Co.* v. *Superior Court*, 296 Pacific 883, dealing with the State statute phrased in terms similar to the prohibition of canon 29, has held otherwise.

I suggest that there are very practical reasons for drawing some sort of a line between ownership in a party litigant, and ownership of a corporation which in turn controls a party litigant. For a judge to determine whether or not he owns stock in a corporation which is a party litigant in his court is a relatively easy matter; for him to determine whether or not he owns stock in a corporation which in turn owns stock in another corporation which is a party litigant in his court may be far more difficult.

Furthermore, the effect of an adverse judgment on a subsidiary corporation may be but a drop in the bucket so far as the parent corporation is concerned. For example, the New York Times recently stated that W. R. Grace & Co.—in which Judge Haynsworth held 300 shares at the time he sat in a case involving Grace Lines, Inc., its subsidiary—has a total of 99 subsidiaries in the United States and in foreign countries.

How do we make sense out of all of this? If there is one point I would like to make today, it is that the question of disqualification is not an easy one, with the governing rule so plain that he who runs may read. Reasonable people—reasonable lawyers—indeed, reasonable judges—could reach diametrically opposite conclusions in a particular fact situation. Another point which I have already made will bear repeating—in the federal system, no merit badges are given to the judge who reaches over furthest to disqualify himself in a doubtful situation. Decision in a disqualification case is just like any other decision that involves the application of governing principles of law to a particular fact situation; the judge calls it as he sees it, without any preference for one result as opposed to another.

Judge Haynsworth can be subject to legitimate attack for failure to disqualify himself, in my opinion, only if his failure to do so in a particular case represents an unreasonable application of these standards. The fact that another judge might, in the same situation, have gone the other way sheds no light on the issue of what was the proper conclusion.

On the question of whether Judge Haynsworth can be faulted for failing to disqualify himself for interest in the Grace Line and the Donohue cases, I suggest that the answer is a resounding "No."

In view of the fact situations outlined above relating to the Merck case and the case of Darter against Greenville Community Hotel Corp., Senator BAYH's charges with respect to these cases can only be described as trivial.

With respect to the judge's purchase of stock in the Brunswick case, he has frankly confessed to a lapse of memory, and I think all concur in his judgment that his purchase of the stock at the time he did was an error. While he did not utilize information coming to him in the judicial capacity for purposes of speculation, his purchase of the stock at the time he did, without further explanation from him, could have given rise to the appearance of such an improper utilization of judicial information.

And in the case of canon 26, which proscribes utilization of such information, there is no countervailing requirement which requires him to hew as close to the line as possible. In purchasing stock, he must give full latitude not only to the proscription of canon 26, but to the appearance that would be created by conduct which does not itself violate the canon.

However, remembering that this was a lapse of memory, not of morality, and that it must be placed in context of 12 years on the Federal bench, participating in nearly 3,000 decisions, it would require more of a perfectionist than I am, or than I think more of my fellow Senators are, to suggest that Brunswick is a reason for voting against confirmation.

Finally, I turn to the charges of "demonstrated lack of candor."

Senator BAYH'S charge of "demonstrated lack of candor," suggesting as it does conduct bordering on perjuring, or at least an attempt to conceal damaging facts, is a most serious one. Upon analysis, however, reasonable people may well conclude that if there is a "demonstrated lack of candor," it is not that of Judge Haynsworth.

Paragraph I of this portion of Senator BAYH'S statement is entitled "Denial of Active Participation in the Business of Carolina Vend-A-Matic." However, the two quotations from the judge's presentation to the Senate Judiciary Committee make it crystal clear, in the very context quoted by Senator BAYH, that the judge was addressing himself to his participation in the securing of new vending machine locations for the company, and to his detailed knowledge of specific locations of vending machines. Such an inquiry, as evidenced by the question of both chairman and Senator TYDINGS, was undoubtedly material in considering the question of whether the judge should have disqualified himself in the Darlington Corp. case, since one of the claims against Judge Haynsworth was that he might have let the prestige of his office be used to influence those who had control over the award of vending machine sites.

However, when we come to the "fact" under this heading, the fact proven is not that Judge Haynsworth knew anything about vending machine sites, but instead that he regularly received director's fees from that corporation until October 1963, and that the board of directors had passed a resolution 2 months after the judge's ascension to the bench stating generally that directors had been active in obtaining new locations for the company's vending machines. Judge Haynsworth freely volunteered to the committee that he had received director's fees, and so the fact that he did so can scarcely be urged as showing a "lack of candor" on his part. The quotation from the corporate resolution, referring to directors generally, would not be accepted by any fair-minded man as contradicting the judge's express and detailed statement that he, at least, played no part in the obtaining of new business sites.

I have already dealt with the substance of paragraph II, under the heading of disqualification generally. Whatever questions of interpretation may be raised by the question of whether minor stockholding in a parent corporation requires disqualification when a subsidiary is a party litigant, that inquiry is not advanced by arguing whether a witness' particular form of expression can be stretched to include a subsidiary corporation, as well as one in which stock is directly owned.

Senator BAYH'S paragraph III statement gives the impression that Judge Haynsworth, on September 17, 1969—during the very time that the hearings were going on before the Senate Judiciary Committee—testified before a subcommittee of the Judiciary Committee that he had not retained his directorships in Carolina Vend-A-Matic and the Main Oak Corp. after he ascended the bench in 1957. However, a cursory examination discloses that the quoted testimony, referred to by Senator TYDINGS in his examination of Judge Haynsworth

on September 16, was actually given by Judge Haynsworth before Senator TYDINGS' subcommittee on June 2, 1969. Placed in this context, before any issue had arisen in connection with the Supreme Court nomination, a confusion of dates of resignation is certainly understandable.

Lastly, I wish to touch upon Senator BAYH'S charge that Judge Haynsworth violated canon 26, which prohibits the making of investments in "enterprises which are apt to be in litigation in the court." The bill of particulars cites several cases, and one can only infer from it that Senator BAYH believes that if in fact a litigant does come before a judge's court, whatever the probabilities of its doing so might have been prior to the filing of the case, canon 26 is thereby automatically violated. Such a reading of the canon is demonstrably nonsense. It would mean that a judge who sought to disqualify himself for interest in a case would be acting too late to save his ethical reputation, since the mere fact that a party litigant in which he had an interest was before his court meant that he should have anticipated the arrival of the litigant, and sold his stock before that day arrived. Indeed, Senator BAYH'S expansive construction of the canon would have it violated in the case of a judge of the Court of Appeals for the Fourth Circuit when in fact the litigation takes place in the second circuit. More should not be necessary to show the frivolous nature of this charge.

We have since the time of Judge Haynsworth's nomination witnessed a wave of opposition to his confirmation, couched in terms of "conflicts of interest," but motivated far more by disagreement with some of the decisions he has rendered as a judge of the Court of Appeals for the Fourth Circuit. Yet, I know that some of my fellow Senators, while not questioning his decisions, have been genuinely troubled by these vague and ill-defined allegations of "conflict of interest." I have done my best to analyze these charges as scrupulously as possible, and I have now presented to you the conclusions which I believe the record supports. I think Senator BAYH'S bill of particulars was a significant development in the debate over Judge Haynsworth's confirmation, because it has finally enabled those of us who support him to focus on particular charges, subject them to the light of reason, and thereby show how little substance there is to them. I think the Senate as a whole will conclude, just as the Judiciary Committee concluded the other day, that the bill of particulars should be dismissed, and Judge Haynsworth confirmed to the high office to which he has been nominated.

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

Mr. COOK. I yield.

Mr. THURMOND. Mr. President, I commend the able and distinguished Senator from the great State of Kentucky for the magnificent presentation he has made, and for the devastating answer he has given to those who oppose confirming the nomination of Judge Haynsworth for the Supreme Court. I hope every Member of this body will read his speech. It answers every conceivable question that could be raised against Judge Haynsworth, and shows him to be, just as those of us who come from South Carolina know him to be, a man of character and integrity, a man who is incorruptible, a man who lives by a high code of ethics, and a man who will make this country an able and distinguished Supreme Court Justice.

The distinguished Senator from Kentucky is to be commended for his courage in taking the stand he has taken. He sees here a man charged wrongfully, and has attempted to answer the charges; and I say he has answered them fully, totally, and completely. But it takes courage to stand up against some of the forces opposing Judge Haynsworth—which include some of the most powerful forces in America today. But right is right, and right will prevail.

Those who know Judge Haynsworth best have the greatest respect for him as a man, as a lawyer, and as a distinguished judge. The members of the South Carolina bar know him to be a man of high ethics and unimpeachable character, and a man who, before his appointment to the circuit court of appeals, was one of the outstanding lawyers in the United States.

Judge Haynsworth has made an enviable record upon the circuit court of appeals. In doing so, he has not pleased some of the forces which oppose him. Of course not. His decisions have been for them and against them. He has traveled the middle of the road. He has been objective. He has been neutral, so to speak, in taking either side of a philosophy.

The fact that the county officials, of their own volition and at no one's request, have endorsed this distinguished lawyer and judge to be a member of the Supreme Court, when they have to run before the people, and 98 percent of them know their very political lives are at stake, to my mind speaks very highly for Judge Haynsworth. The members of the Fourth Circuit Court of Appeals, none of whom other than Judge Haynsworth come from South Carolina, have unanimously endorsed him. Even since these attacks have been made upon him, they have studied the record on the alleged conflicts of interest and the alleged violations of the code of ethics, and have unanimously, every one of them, endorsed him. These are outstanding men in this Nation, and outstanding lawyers. They would not put their personal reputations on the block if they did not feel that an injustice was being done to this fine lawyer and distinguished judge.

Moreover, the American Bar Association, upon reading and learning about the various charges brought against this distinguished gentleman, went back in session, I believe yesterday, and considered categorically every charge made against him. They have turned them all down, and reiterated their previous position that Judge Haynsworth's appointment should be confirmed.

Mr. President, I again commend my distinguished friend and colleague from Kentucky, with whom I have the pleasure of serving upon the Committee on the Judiciary, and to say to him that the stand he is taking is a high stand, a stand on the high road, and a stand for statesmanship and truth.

Mr. HOLLINGS. Mr. President, will the Senator from Kentucky yield?

Mr. COOK. I yield to the junior Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I wish to express my personal gratitute for the stand taken by the distinguished junior Senator from Kentucky, in the light of the record made before him. I allude, of course, to the significance of the timing of this particular stand by a Senator who, for the good of this body if for no other reason might well be disposed to let this matter pass without comment.

Specifically, the Senator from Kentucky took his stand at a time when the chairman of the Democratic Party has taken a party position against the confirmation of this appointment. He takes his stand at a time when certain segments of the leadership in his own party have requested the President to withdraw the appointment, and at a time when far more senior, and highly respected, Members of this body have joined in that request for withdrawal.

Therefore, the Senator from Kentucky could not have taken the stand he has taken lightly. I am sure that, on the contrary, having sat as a member of the Committee on the Judiciary and listened to all the witnesses, and having reviewed the record, his conscience would not permit him to sit silent longer.

He has gone into every facet of this case. He is interested, as am I, in public confidence in the U.S. Supreme Court. I am sure this distinguished Senator would feel as I do that if a competent, outstanding appointment were made from his State, and subjected to charges of wrongdoing loud and long; and if it were a fact that he had been subjected to such charges without exploring the truth, without getting into the facts, he would resolve that to allow that situation to go by the board unchallenged would be demeaning to the Court itself, and, more than anything else, to the reputation of the U.S. Senate as the greatest deliberative body in the world.

So, I express my admiration for the courage of the Senator from Kentucky.

Specifically the Senator referred in his statement to the increase in sales of the Carolina Vend-A-Matic Co. I will make only a few comments. To refer to the record, at the time that Judge Haynsworth was asked about this matter, he answered, "I am a lawyer and not a salesman."

The inference and the innuendo is that after the judge was elevated to the bench, by the use of his influence he increased the sales of the vending company. It is an absolutely false statement.

The fact is otherwise. From 1949 to 1963, I traveled hundreds of thousands of miles in the United States seeking new industry for South Carolina. You name the State, and I was there. We obtained $1 billion in new industry and many thousands of new jobs as a result.

At no time did Judge Haynsworth ever confer with me with respect to any industry in South Carolina. He had served as an attorney prior to that time. However, in 1957 he had left his firm and became a member of the Fourth Circuit

Court of Appeals. Many new industries and jobs were secured prior to and during his tenure on the bench and never did he have any role. Additionally, the 1954 decision was being felt by industry in the South with respect to segregated feeding facilities. The industry in toto did away with what we used to call the stoke wagons that would carry around soda pop, sweetbreads, and everything else to those employees of industries. It was an approach to integrated feeding.

The result was that—and not just when the judge went on the bench—that every vending company increased its sales in South Carolina.

I thank the Senator from Kentucky for including the letters written to both the Senator from Mississippi (Mr. EASTLAND) and me by Alex Kiriakides, Jr., of Atlas Vending Co., Inc., the major competitor of Carolina Vend-A-Matic, which contain the true historical facts on the matter of the growth of all vending business in South Carolina.

One would hope that Senators and mature men would confine themselves in the making of their judgment on the facts themselves and not on innuendos.

The fact is that at no time was any unethical conduct or influence exerted on the part of Judge Haynsworth with respect to the vending business. It was a matter of competitive bidding.

That is the only thing in the record. The Senator from Indiana says that Judge Haynsworth went on the bench and the sales increased; ergo, the judge used his judicial capacity to influence the sales. It is a completely false statement.

If the Senator from Kentucky would please refer to the section of the "bill of particulars" entitled "Demonstrated Lack of Candor," authored by Senator BAYH. This section suggests conduct bordering on perjury, and is a most serious charge.

For the past several weeks, has the Senator, as a participating member of the Committee on the Judiciary, ever had the feeling that Judge Haynsworth was not leaning over backward toward a full disclosure of all information to the Judiciary Committee?

Mr. COOK. As a matter of fact, at all times he gave us everything he could. There was some discussion and an apparent feeling on the part of the distinguished Senator from Indiana (Mr. BAYH) that he was not getting all he wanted. However, I can only say that when we are calling for corporate records of a corporation that the judge has had nothing to do with since the early sixties, it is not possible to get all the books and records unless the committee subpenas the records. Without subpena, people are not going to give the committee everything it wants. Judge Haynsworth had nothing to do with the business at that time.

In talking about Carolina Vend-A-Matic, if Judge Haynsworth had been a better and more intelligent investor, when he sold his interest in Carolina Vend-A-Matic in 1964 for, I think it was, $450,000—and we all understand that is a tremendous amount of money—he would have kept the stock in the new corporation, ARA, because the same holdings today that he sold for less than a half million dollars would have been worth $1,650,000 in today's market.

Mr. HOLLINGS. Is it not a fact, with respect to the matter of insensitivity being charged to the judge, that up until the 1963 Judicial Conference which adopted a resolution restricting appellate judges from participating as directors and officers in publicly held corporations, that many judges served as officers or directors of publicly held corporations until the fall of 1963?

Mr. COOK. It is a fact that many judges had to retire from such positions in major corporations at that time.

Mr. HOLLINGS. Senator, is it not a fact that in 1957, due to his sensitivity, Judge Haynsworth resigned from his post as an officer-director of publicly held corporations and only retained his position in two closely held private corporations plus one small trusteeship?

Mr. COOK. The Senator is correct.

Mr. HOLLINGS. Mr. President, is it not a fact that when the policy came from the Judicial Conference with respect to not holding posts as officer or director, because of the sensitivity of Judge Haynsworth, he resigned as officer and director of all publicly held corporations and also sold all of his stock at a price which reflects a loss in today's market of $1 million?

Mr. COOK. The Senator is correct.

Mr. HOLLINGS. Is it not a fact that in 1963, due to the sensitivity of Judge Haynsworth, after Judge Sobeloff and his group had fully investigated and exonerated the judge concerning the accusations with respect to lack of propriety, disqualification, and even bribery, in the Carolina Vend-A-Matic matter, at the behest of Judge Haynsworth, he said, "No. I want you to also refer it to the Justice Department."

Mr. COOK. The Senator is correct. I might suggest to the Senator and to the others who would listen to the debate that I am not sure where we go from here.

I am not sure whether we should say to the judges of the United States, "Sell all your stocks. Don't hold any." Perhaps the logical thing to do is to tell them, "If you have money, invest it in U.S. bonds."

Now at the district level, a large number of the cases coming before the court involve the United States as a defendant. Suppose someone were to file suit claiming that this country had misused its authority. The result would be that all of the certificates and bonds would be put in jeopardy.

Would we then have to find someone who could sit on such a case because all of the judges would have invested in bonds and would not be able to sit?

Mr. HOLLINGS. The Senator is correct. With respect to an appellate body, the Senator served in a judicial branch of our Government as an outstanding judge. As an appellate judge, is it not a fact that one of the complaints we have as trial attorneys in going up on appeal to the circuit court of appeals does not concern the holding of a stock interest by a judge, but the general persuasion where they jockey the panels where we find, for example, that three corporate judges have been placed on the panel to hear a corporation matter?

Mr. COOK. Well, it has been known to happen; yes.

Mr. HOLLINGS. That has happened to me, prior to Judge Haynsworth taking over in that district.

Was he not praised by the Senater from Maryland (Mr. TYDINGS), working on his Subcommittee on Improvements in Judicial Machinery, as a leader toward developing the random panel selection in the fourth circuit?

Mr. COOK. Yes.

As a matter of fact, let me cite an example.

Mr. HOLLINGS. I wish the Senator would elaborate on that, for the benefit of Senators.

Mr. COOK. I should like to give an example, because I think it is interesting.

We checked the records when he sat on these cases, and examined the charges of the various representatives of the AFL–CIO.

But I might suggest that had they looked at when Judge Haynsworth sat on Farrow against Grace Lines, they would have had found that if he had removed himself from that case, he would have to be assigned to two labor cases. And had he done so, the charge probably would have been made that he had gone out of his way to remove himself from insignificant cases to put himself on cases involving labor unions.

Mr. HOLLINGS. Is that not the best authority and the best testimony that he had a duty to sit on the so-called Carolina Vend-a-Matic case; that there was no option; that he had a duty to do so?

Mr. COOK. If I may correct the Senator—he should have sat on Darlington Mfg. Co. against NLRB.

Mr. HOLLINGS. Finally, with respect to appearances, they are merely impressions as gained from some or a few of the facts. That is all an appearance is. Is it not true, that when all the facts are in, no longer does the appearance subsist, but we refer to all the facts as that exist? And is that not our duty as Senators? Because people can raise questions and blow smoke and make charges, is it not our duty, as Senators, to look behind that and see all the facts and get the truth, rather than sit back and say that because of all these appearances his effectiveness is ruined? Is it not our duty to review and find these facts and bring the truth to this body, so that we can do justice not only to this appointment but also to this body and to the Supreme Court?

Mr. COOK. That is so.

Mr. HOLLINGS. I appreciate the Senator from Kentucky doing that this morning.

Mr. COOK. I say to the Senator from South Carolina that, oddly enough, there are many fields, particularly the fields of civil rights, in which Judge Haynsworth and I do not have a great deal in common. But this has nothing to do with the decision the Senate must render. Our authority is based upon the authority to advise and consent as created by the Constitution. The authority to appoint was, of course, given to the President. If it is the responsibility of this body to now decide that a person should be selected on the basis of whether he fits their ideological conceptions and not whether he is qualified,

then I say we have destroyed that authority in the President. Rather than destroy it in this case, let us face it the way we should face it. If we feel that it is now our responsibility to pick a candidate because he is a liberal or because he is a moderate or because he is a conservative, then let us place before this body a constitutional amendment to place in the Senate of the United States the authority to appoint members of the Supreme Court of the United States. Consideration was given to placing this authority in the Senate but was decided against.

I might suggest that if we now say that because this country is moving in one direction or another, we must deny a man this seat because he does not ideologically fit in that pattern, then I ask the American people, "Is not every facet of the American society entitled to be represented on the Court," even though I may personally disagree with him?

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

Mr. COOK. I yield.

Mr. KENNEDY. How does the Senator conceive our responsibility? Are we supposed to be just a rubberstamp to the President?

Mr. COOK. Not at all.

Mr. KENNEDY. The Constitution clearly points out that this is a question of advise and consent. Would the Senator not agree with me that there is a different standard that should be applied in terms of the judiciary than should be applied, say, to Cabinet officials, whose term is, in effect, coterminous with that of the President of the United States? Does the Senator not agree with me, therefore, that the kind of review we would give in a judicial appointment, and the standard we would apply, would be different?

Mr. COOK. I agree.

Mr. KENNEDY. So I gather, from what the Senator has said, that the function of the Senate is not to be just a rubberstamp. Would the Senator not agree with that as well?

Mr. COOK. I agree with that.

Mr. KENNEDY. Therefore, I gather from the thrust of the Senator's argument that we have a responsibility to exercise our own, independent judgment. Is that not correct?

Mr. COOK. That is correct.

But I would say to the Senator that, if that be the case, declare it on that basis, and every man should stand up and declare it on that basis. But one should not use another motive or another reason to go around the fact that one wants it declared on an ideological basis; and if one does, he should honestly take that position.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The time of the Senator from Kentucky has expired.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may ask one question of the Senator from Kentucky and make a short statement.

Mr. DOLE. Mr. President, I yield 5 minutes of my time to the Senator from Kentucky.

Mr. ERVIN. I ask the Senator from Kentucky if the so-called bill of particulars, known as the Bayh bill of particulars, does not consist largely of conclusions rather than facts.

Mr. COOK. It deals totally with conclusions.

Mr. ERVIN. And is it not honeycombed with conclusions that are not supported by the evidence taken before the committee?

Mr. COOK. It is.

Mr. ERVIN. I should like to make this statement: I think the Senator from Kentucky expressed my only misgiving concerning Judge Haynsworth, and that is the fact that he did not have a perfect memory and that when he purchased the Brunswick stock, he was forgetful of the fact that the Brunswick case had been argued and decided some 6 weeks before, but the opinion had not been written and had not been handed down.

I spent 15 years of my life in discharging what Walter Malone, the poet judge of Memphis, Tenn., called judging one's fellow travelers to the tomb. I spent 2 years as judge of a criminal court. I spent 7 years as a judge of the North Carolina Superior Court, which is our court of general jurisdiction and which tries most important civil and criminal cases. I spent more than 6 years as an associate justice of the Supreme Court of North Carolina. In these various capacities, I decided or participated in the decision of thousands of cases.

As a member of the supreme court, I spent many weeks studying many cases and writing opinions on them. Out of all these thousands of cases, if my life depended on it, at this moment I could not name more than a dozen or so of the litigants. I can remember the points of law involved. And this is perfectly natural, because judges—especially judges of appellate courts, who never see the parties litigant—are interested only in the points of law involved. As a consequence, they do not retain in their minds the names of the litigants.

As a result of my own experience, it is perfectly understandable to me why Judge Haynsworth had this unfortunate lapse of memory. That is the most that can be said about it. It did not affect his decision. The decision had already been made, and it was altogether concurred in by every member of the court of appeals, as well as by two U.S. district court judges—one who had heard it originally, and one who sat on the court of appeals and helped to decide it.

Mr. COOK. Certiorari was denied by the Supreme Court, also.

Mr. ERVIN. I want to commend the able and eloquent Senator from Kentucky upon a most accurate and illuminating exposition of what the testimony revealed in respect to the charges made against Judge Haynsworth on conflict of interest and ethical grounds.

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, may I take this brief opportunity to commend the distinguished junior Senator from Kentucky for a most thoughtful and searching and painstaking analysis of a most difficult problem which confronts the Senate in performing its constitutional function, the problem of whether to advise and consent to the nomination of an Associate Justice of the Supreme Court by the President of the United States.

In these brief moments, I have no desire to restate the splendid points made by the junior Senator from Kentucky. I would make just these observations, because I know them firsthand.

Mr. President, I know the junior Senator from Kentucky to be a junior member of the Committee on the Judiciary and a member of the freshman class of 1969. I know him to serve with great diligence. I know him to be a most conscientious, thorough, and painstaking legislator. I know firsthand some of the dilemma he faced in trying to reach his judgment and conclusion in this case. I am bold enough to suggest it was not an easy task for a conscientious Member of this body. I know he listened carefully to the testimony before the Committee on the Judiciary. I know at times he had doubts. I know at times he was concerned about some of the charges and allegations that were made. I know that on occasion he was incensed in his private way about some of the innuendo that flowed from some of the charges leveled here and elsewhere.

But, Mr. President, I have observed today the product of the deliberations of a great man, and certainly a great colleague. Rather than taking a rigid position based on superficial reasons, or colored reasons determined by philosophical and ideological slant, our most illustrious and distinguished colleague did what I commend all of us do, and that is to examine in detail and depth these "appearances" of impropriety. In my judgment, we should get to the bottom of the barrel and find out with what Judge Haynsworth is being charged and what the facts are, rather than running with the pack or deciding the matter on some liberal or conservative bias, let alone from some geographical bias.

I believe we should all do as he has done. We should make the painful, searching analysis that leads us to an objective judgment. I think we should stop this business of hiding behind the cliche of appearances of impropriety because the appearances of impropriety dealt with in the canons of judicial ethics are created by the person himself and not by a Member of this body. I may create an appearance of impropriety by my words and phrases but I suggest there is no impropriety that has been perpetrated by the distinguished designee for this high post.

Justice Holmes once said, and I believe that all of us would agree he served with great distinction on our High Court:

> Lawyers and legislators have the unhappy faculty of devoting their entire adult life to the proposition of shoveling smoke.

I do not impugn the motives of any of my colleagues in their diligent and inquiring prosecution of this question of whether or not we should advise and consent to the confirmation of the nomi-

nation of Judge Haynsworth. Nor do I say that they are shoveling smoke. I rather say we must at all costs guard against it because in the discharge of this constitutional responsibility, in the discharge of this higher duty we have created, as a result of the debate in the Fortas nomination, we cannot afford to shovel smoke. We have to look at the facts and never have the facts been more cogently, clearly, and relatively presented on this issue than has been done this morning by the Senator from Kentucky.

I commend the distinguished Senator.

Mr. HRUSKA. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. HRUSKA. Mr. President, I endorse what has been said by several of our colleagues with reference to the distinguished part the junior Senator from Kentucky is taking in the consideration of the nomination of Judge Haynsworth. He has been perhaps the most faithful in attendance at the sessions during the 8 days of hearings before the Committee on the Judiciary. He has shown by his questions during the hearings a sincere desire to bring out all the facts in a fair way, not out of context. He did not use suspicion or innuendo, or take matters outside of the record in which they were contained. Instead he has made an effort to elicit and have recorded all the facts. The remarks made here this morning likewise show him to be a man who devoted a great deal of study to the facts of this case and to the historical background against which they must be considered.

Mr. President, the so-called bill of particulars has been answered on at least two occasions already. It is going to be answered on future occasions because when the cold analysis of reasoning and all of the facts are applied to that alleged bill of particulars, it will be found to consist of some things taken out of context, of some taken outside of the hearing record, of inaccuracies of statement, and some of bold and erroneous conclusions.

I would not want to detract one iota from the sincerity, diligence, and the integrity of the distinguished junior Senator from Indiana in his efforts to oppose this nomination. Unfortunately, however, I cannot accept the bulk of the conclusions and information of the bill of particulars as being founded in fact and fair interpretation of facts. In due time in connection with other matters, I shall explain in detail the reasons.

Reference has been made to the canons of ethics again and again as grounds for attacking this nomination, and reference will be made in the future. This issue should be answered. These canons of ethics, that are recited so often here, have been in existence between 40 and 45 years. Why is it that in 1963 that the Judicial Conference of the United States had to approve and promulgate a rule flatly saying no member of the Federal Judiciary shall sit on a board of directors or occupy any other office in an corporation engaged in business for profit? It was because the canons of ethics in that regard were so unclear and ambiguous that it remained for the Judicial Conference in 1963 to clarify them.

Let us consider that title 28, section 455, which prohibits a Federal judge from participating in any case in which he has a substantial interest. Why was that amended in 1949 to make it applicable to appellate judges? Up until that time it applied only to trial judges. The court did not deem the canon sufficient to apply to such situations, and the Congress stepped in to deal with it definitely and without equivocation.

It remained for the Congress and the firm hand of the Judicial Conference of the United States to offer judges some degree of certainty. Until then ambiguity impaired the ability to perceive the rule. This question will be explored further, but I shall suggest now that this reflects upon the ways in which the canons of ethics have operated.

In order to create an illusion of rectitude, key phrases are being chanted again and again in discussion of the nomination. References are made to "appearances of impropriety," and "every judge must be beyond approach." Still another is, "He should avoid giving reason for suspicion of misusing the power of his office." The inference is that the nominee has failed in all these respects.

No man can be without appearance of impropriety, nor can he be beyond reproach, nor can he be above suspicion, if the deficiency is to be found solely in accusations and charges without reference to whether they are true or untrue. If they are untrue and without foundation, merit, or relevance, I submit that they cannot be used to put a man into a state of reproach or put him under suspicion, or to give him the appearance of impropriety.

When we get through with this bill of particulars, it will be seen that such is the case with most of the allegations in that bill.

It would be grossly unfair to subscribe to the idea that the mere making of a statement puts a man under suspicion or reproach. We cannot refrain from testing the veracity, fairness, and applicability of the attacks, charges, diatribes, and accusations. If, merely because they have been asserted, attacks make any nominee guilty, or disqualify him, then the canons of ethics, standards of ethics, standards of good behavior have become instruments of persecution. In fact, it would be a fair bid to reinstate the institution of witch-hunting or witchcraft which I thought we had gotten rid of 300 years ago.

I know of no better way to illustrate this than to point out that canon 25 is quoted in the bill of particulars. It says that a judge should avoid giving grounds for any reasonable suspicion that he is utilizing the power or prestige of his office unfairly and improperly.

Then the fantastic conclusion is reached that the rise in gross sales of the Vend-A-Matic Co., after Judge Haynsworth assumed the Federal bench, justified the suspicion that the prestige of his office was used to promote the well-being of that corporation.

The record contains no evidence to this effect. There is no reference made by critics to the fact that the vending machine business in the past 15 years has been one of the fastest-growing businesses in America. There is no reference to the fact that there are other vending machine companies in that same area that prospered in as great or greater a measure as the Carolina Vend-A-Matic.

Since when are we to make a judgment on the basis of such a suspicion?

If we are governed by such attacks and upon the suspicion that they create, then indeed, we are defying the most fundamental proposition of our jurisprudence; namely, that a man is not guilty until he is proved to be guilty.

Although this presumption of innocence resides in our criminal laws, let me suggest that there are some sanctions even more cruel than 90 days, 6 months, or 1 year in jail. There is an effort to apply sanctions here in these proceedings of confirmation which are more cruel than the jail sentence or the fine; namely, casting discredit upon a judge who has served with honor and respect for 12 years on the circuit bench and before that was engaged in an honorable and highly respected career as a practioner of the law.

Viewing innuendoes, suspicions, reproaches, which are sought to be foisted upon him without proper factual backing, I should think that many men would rise up in righteous indignation and declare that the Senate of the United States should not be a party to any such proceeding, that it is unjustified and not factual.

Mr. President, once more I commend the Senator from Kentucky (Mr. COOK) for the fine job he has done in pointing out the facts and uncovering errors. His efforts will certainly be elaborated upon in greater detail in the days ahead.

Mr. GOLDWATER. Mr. President, I was amazed, yesterday afternoon, to be told by one of the press organizations in this country to comment on a story in Newsweek magazine which infers that I would oppose the appointment of Judge Haynsworth.

I merely want to put the record straight. I have no idea where they gathered that information because I have been going across this Nation for the past week or so making speech after speech, and going on television, where I have backed Judge Haynsworth all the way.

I think this is purely a political objection which has been raised to him, which I have so stated across America.

Mr. President, I merely wanted the opportunity to reaffirm on the Senate floor the fact that I have always supported Judge Haynsworth and I intend to support him.

I ask unanimous consent to have printed in the RECORD some remarks I had prepared on the Newsweek article.

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

It is nothing new in my experience—and I am sure the same goes for the majority of my colleagues—to find it necessary from time to time to put the record straight after some of our more enthusiastic and

partisan ax-grinders of the press represent our alleged views.

Last night I was amazed to have a reporter call and tell me that *Newsweek* magazine was carrying a story quoting me to the effect that I had called President Nixon and urged him to withdraw the nomination of Judge Haynsworth for Associate Justice of the United States. This is the last issue on which I ever thought my views might be mistaken.

For the past two weeks newspapers, magazines, radio stations and TV commentators have been calling my office every day and asking how I planned to vote on the Haynsworth nomination. The press representatives whom I talked to were told that I supported the President's nominee 100% and would vote for his confirmation on the Floor of the Senate. The same answers were given to reporters and commentators and other interested citizens who inquired of my staff members on how I would vote.

Where *Newsweek* magazine dreamed up the quotes they attributed to me in their magazine which is out today I do not know. I merely want my colleagues to know that they were made up out of the whole cloth and are completely untrue.

Mr. GRIFFIN. Mr. President, regardless of the judgment which any Senator may finally reach with respect to the nomination of Judge Haynsworth, no Senator who listened here today could help but be impressed by the presentation of the distinguished junior Senator from Kentucky (Mr. COOK).

As he knows, because we have discussed our views in private, I do not agree with all his arguments, or all his conclusions; but that does not lessen or diminish my great respect for the dispassionate, thoughtful, and logical presentation he has made. He has proven himself to be a brilliant advocate as well as an able and distinguished Senator.

Mr. FANNIN. Mr. President, it has been my pleasure to note the excellent presentation made this morning by the Senator from Kentucky (Mr. COOK). He has done a masterly job of putting cogency in harness with the facts he has marshaled, and I believe his judicial experience and objective approach to the issue confronting us will stand as a model of reason.

Particularly, I respect his lack of invective against those with whom he disagrees. It is unfortunate that this mood is not universally shared by several Senators who are in opposition to the President.

In addition, I think the RECORD should bear an outstanding brief prepared by Mr. Clark Mollenhoff, deputy counsel to the President. Mr. Mollenhoff is widely known and respected in Washington as a newsman and a lawyer. He is the recipient of the coveted Pulitizer Prize for excellence in his field.

Mr. Mollenhoff, who shares the confidence of many in this Chamber, has assembled the record of a most comprehensive and thorough investigation into the charges that have been leveled at Judge Haynsworth. The conclusion Mr. President is inescapable. Critics of the President, still smarting from the public embarrassment they suffered over the unfortunate Fortas affair last year, have seized upon almost nonexistent and insignificant events as a convenient stick with which to beat the President and his supporters. This has, in fact, been privately admitted to me and to members of my staff by some of the most vocal critics of the President.

In order that we all may have the benefit of this well-researched and calmly reasoned information, I ask unanimous consent that the report by Mr. Mollenhoff be printed in the RECORD.

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

EXPLANATION OF THE HAYNSWORTH CASE

(By Clark R. Mollenhoff, Deputy Counsel to the President)

GENERAL POSTURE POSITION

There is no justification for a comparison of the activities of Judge Clement F. Haynsworth with those activities of former Justice Abe Fortas, that resulted in Fortas submitting his resignation. Those who contend there is any similarity in the ethical questions raised in connection with Judge Haynsworth and Justice Fortas simply have not done their homework on the facts. Last May, the American Bar Association, in a letter to Senator John J. Williams of Delaware, made a finding that Justice Fortas acted "clearly contrary" to the canons of judicial ethics in his dealings with financier Louis E. Wolfson.

The A.B.A. in the letter to Senator Williams stated: "The conduct of Mr. Fortas while a Supreme Court justice, described in his statement of the facts, was clearly contrary to the canons of judicial ethics even if he did not and never intended to intercede or take part in any legal, administrative or judicial matters affecting Mr. Wolfson.

Fortas resigned without making a public disclosure of all the facts in this matter.

By contrast, the Haynsworth nomination has been supported by the A.B.A. and his handling of the Darlington case has been defended by the A.B.A. and other leading authorities on judicial conflicts of interest problems.

(See detailed statement on Judge Haynsworth and Justice Fortas.)

This statement is being issued to focus attention on important aspects of the Haynsworth controversy that have been overlooked or given too little attention. There has been wide circulation of false statements, outrageous charges and innuendoes regarding Judge Clement Haynsworth that have represented the most vicious character assassination effort in the last 20 years.

The clearest example of the use of false statements and innuendoes was the ninepage "bill of particulars" circulated by Senator Birch Bayh. Efforts to counter this inaccurate and distorted document have been only partly successful because of the hit-and-run tactics used by Senator Bayh, and because of the lack of interest of many newsmen in pursuing the details of the factual, the legal and the ethical questions involved.

It is unfortunate that there has been so little interest in presenting the full factual details essential to exposure of the false charges and vicious innuendoes leveled against Judge Haynsworth by Senator Bayh and others. (This is a sharp contrast to the aggressive manner in which many rightfully pursued the exposure of a few irresponsible legislators 15 or 20 years ago.)

Only one network and one local television commentator have exhibited an interest in a depth discussion of the cases and issues made available through the White House during the last week. Coverage of Senator Marlow Cook's "bill of correction" was much too abbreviated for full understanding of the "inaccuracy and misrepresentation" that Senator Cook characterized "an unjustified attack upon a public official unparalleled in recent American history."

Senator Bayh has refused to debate his charges with Senator Ernest Hollings, of South Carolina, on national television. Senator Hollings has repeatedly issued the challenge to Senator Bayh to meet him in debate on the Haynsworth case "in the name of fair play and in the interest of the good name of the Senate." If Senator Bayh has any faith in his case, he should not reject this opportunity for a confrontation on the issues with Senator Hollings.

Judge Haynsworth has revealed his financial holdings in a detail that has few if any parallels in the history of judicial confirmations. Fair play dictates that each area of controversy be explored in full detail with continued emphasis on the testimony of those who have testified or expressed public confidence in Judge Haynsworth.

In judging the fitness of Judge Haynsworth and the validity of the charges leveled by Senator Bayh, there should be emphasis on these points:

1. President Nixon has examined the allegations against Judge Haynsworth and in a letter to Senator Hugh Scott has stated: "There is nothing whatsoever that impeaches the integrity of Judge Haynsworth. There is no question as to his competence as a Judge. There is no proper faulting of his posture vis-a-vis civil rights or labor. It would be very wrong to allow unfounded allegations to deny this country the distinguished service of Judge Haynsworth on the Supreme Court."

2. On Friday, October 10, 1969, the six other judges of the Fourth Circuit, with full knowledge of the Bayh charges, stated their "unshaken confidence" in the ability, the honesty, and the integrity of Judge Haynsworth. Those judges are Simon E. Sobeloff, Herbert S. Boreman, Albert V. Bryan, Harrison L. Winter, J. Braxton Craven, Jr., and John D. Butzer.

3. Many Senators who have said they intend to vote against confirmation of Judge Haynsworth state they have found nothing dishonest or unethical in his record, but feel compelled to oppose him only "because there is considerable public doubt about him." The public doubt has been created to a large extent by the continued circulation of false and misleading statements, and irresponsible accusations.

4. The spokesman for the American Bar Association and also a leading authority on judicial conflicts of interest have stated that Judge Haynsworth under the standard federal rule should not have disqualified himself, and had a duty to sit on the so-called Darlington cases. Senator Bayh has continued to rehash the Darlington cases and similar cases despite the views of the A.B.A. and of a leading authority. (There are in fact three Darlington cases, and in only one of these cases did Judge Haynsworth grant the relief requested by the company. As Senator Cook noted: "In the final and determinative Darlington case, Judge Haynsworth concurred in the decision in favor of the union.")

5. Senator Cook has fully and adequately answered the Bayh allegations that Judge Haynsworth should have disqualified himself in at least five cases because of a "substantial" stock interest in the litigant. Examination of the records shows Bayh's charges represent gross distortion of the term "substantial" interest. Detailed examination of the facts demonstrates the absurdity of even the suggestion of illegal or unethical conduct by Judge Haynsworth in these cases. (See the accompanying information sheets for details on these cases.)

6. Senator John J. Williams, of Delaware, has exploded the so-called Bobby Baker aspects of the case as unfounded "guilt by association." There is no substance to the charges. There were three superficial contacts between Judge Haynsworth and Bobby Baker, the last one in September, 1958—five years before the Bobby Baker scandals broke into the open.

CAROLINA VEND-A-MATIC

The Bayh charges of a conflict of interest involving customers of Carolina Vend-A-Matic represent *a rehash of an issue that has already been rejected* by the testimony of a representative of the American Bar Association, as well as by John P. Frank, a leading authority on conflicts of interest.

Senator Bayh's repetition of this charge is no more than a continued insinuation that the increased profits of Carolina Vend-A-Matic were in some manner tied to Judge Haynsworth's elevation to the Fourth Circuit Court of Appeals.

*Former Federal Judge Lawrence E. Walsh,* chairman of the A.B.A. Committee on Judicial Selection, has testified there was "no conflict of interest in the Darlington case that would have barred Judge Haynsworth from sitting and we also concluded that it was his duty to sit."

*John P. Frank, a leading authority on judicial disqualification,* stated that "under the standard federal rule Judge Haynsworth had no alternative whatsoever (in the Darlington case). It is a judge's duty to refuse to sit when he is disqualified, but it is equally his duty to sit when there is no valid reason not to . . . I do think that it is perfectly clear under the authority that there was literally no choice whatsoever for Judge Haynsworth except to participate in that case."

Senator Bayh makes no charge that Judge Haynsworth performed even one questionable act to solicit business for the food vending firm. He only insinuates that the increased profits of Carolina Vend-A-Matic must have been somehow related to the fact that Judge Haynsworth was a federal judge.

It can be stated that there is no evidence that Judge Haynsworth ever did one thing to solicit business for Carolina Vend-A-Matic. In fact, all of the evidence is to the contrary.

Judge Haynsworth testified that he did nothing to promote or solicit business for the food vending firm, and that the management of the business was left in the hands of Wade Dennis. That testimony is unchallenged.

The corroboration of Judge Haynsworth's testimony is impressive:

1. *Chief Judge Sobeloff* conducted an investigation in 1963 to determine the validity of an allegation that Deering-Milliken personnel in charge of granting concessions to vending companies might have known of Judge Haynsworth's connection with Carolina Vend-A-Matic and tended to favor it. Judge Sobeloff concluded *this was emphatically not the case,* and there are no facts in Senator Bayh's statement that contradict that conclusion in the slightest.

2. *Attorney General Robert F. Kennedy* reviewed that case and agreed with the Sobeloff opinion. *Attorney General John Mitchell* reviewed it and had the same view.

3. *Wade Dennis,* who became General Manager of Carolina Vend-A-Matic in 1957, states that "Judge Haynsworth did not involve himself in any way in the management or direction of the company, and in no case did he participate directly or indirectly with the solicitation of any business, or intervene in our behalf with any client . . . he would have had no way of knowing what account we served or who we were in the process of trying to sell." Virtually all business was gained "by sales efforts followed by bidding among competing companies."

4. The Dennis statement is supported by the letter from the *leading competitor, Alex Kiriakides, Jr., of Atlas Vending Company, Inc.,* of Greenville, South Carolina.

Kiriakides of Atlas Vending has written a letter to the Senate Judiciary Committee stating his concern over what he called "the slanders which are being circulated in the press about Judge Haynsworth and Carolina Vend-A-Matic." Kiriakides makes these important points:

a. The food vending business in South Carolina and in the United States has had a phenomenal growth, and "the experience of Carolina Vend-A-Matic was not in the least unique to it."

b. His own business, Atlas Vending, experienced comparable growth, as did others in the area.

c. He competed with Carolina Vend-A-Matic for locations in textile plants and other industrial plants, and the practice in the area was to make the awards on the basis of open bidding.

d. The business was not developed on the basis of any one using anyone's influence on anybody. "I know that Judge Haynsworth's name was never used in an attempt to influence anybody," Kiriakides said. "As a very active competitor, I knew what was going on in the business, and I would have heard of it if it had been."

e. "Carolina Vend-A-Matic under the direction of Mr. Wade Dennis operated in an honest and honorable fashion," Kiriakides said. He is willing to speak up to stop the "unjustified slanders" of Judge Haynsworth.

Senator Bayh has not produced any evidence to contradict this record. If he has it, he should have produced it.

The same principle applies to Bayh's contentions that there was some "conflict of interest" in Judge Haynsworth sitting on cases involving six other "customers" of Carolina Vend-A-Matic. The Bayh cases follow:

1. Homelite v. Trywilk Realty Co., Inc., 272 F2d 688 (1959) Gross sales to Homelite by CVAM in 1959 totaled $15,957.22.

2. Kent Mfg. Corp. v. Commissioner of Internal Revenue 288 F2d 812 (1961) CVAM gross sales to Runnymeade, a subsidiary of Kent, in 1961, totaled $21,323.63.

(It is worth noting that the inclusion of Kent Manufacturing Corporation in this group was a mistake. There is no connection between Kent Manufacturing, a Maryland corporation which manufactures fireworks which was the litigant mentioned by Senator Bayh, and the Kent Manufacturer in Pennsylvania which operated the Runnymeade plant in Pickens, South Carolina.)

3. Textile Workers Union of America v. Cone Mills Corp, 268 F2d 920 (1959). CVAM gross sales to Cone Mills and its subsidiaries Carlisle Mill and Union Bleachery in 1959 totaled $97,367.12.

4. Leesona Corp. v. Cotwool Mfg. Corp., Deering Milliken Research Corp., and Whitin Machine Works 315 F2d 895 (1963) CVAM gross sales to Deering Milliken plants in 1963 totaled $100,000.

5. Leesona Corp v. Cotwool Mfg. Corp., Deering Milliken Research Corp., and Whitin Machine Works 308 F2d 895 (1962) CVAM gross sales to Deering Milliken in 1962 totaled $50,000.

6. Textile Workers Union of America v. Cone Mills 290 F2d 921 (1961) CVAM gross sales to Cone Mills and its subsidiaries in 1961 totaled $174,314.92.

We agree with Senator Cook's comments on these cases:

"*Kent Manufacturing Corporation* v. *Commissioner of Internal Revenue* should be summarily dismissed because as I pointed out CVAM had never had direct or indirect business dealings with the litigant Kent Manufacturing Corporation or with any other company or individual associated with that company. This serious yet completely untrue accusation is another of the tactics used to discredit Judge Haynsworth by publication of false information.

"There are two *Textile Workers Union of America* v. *Cone Mills Corporation* cases listed by the "Bill of Particulars." *In both of these cases Judge Haynsworth voted against the company and in favor of the union.*

"There are also two *Leesona Corporation* v. *Cotwool Manufacturing Corporation* cases listed. In both, *only procedural questions* were raised, and Judge Haynsworth merely affirmed the District Court's decision which required the proceedings which had been begun in South Carolina to wait until a related case in Massachusetts had been concluded.

"In *Homelite* v. *Trywilk Realty Company, Incorporated,* Judge Haynsworth did rule in favor of the company allowing it to rescind a lease agreement made with Trywilk Realty since the *realty company had fraudulently represented to Homelite* that the partially constructed building leased by it had sewer connections.

The conclusion is inescapable that Judge Haynsworth had an equal duty to sit on all of these cases involving purported customers of Carolina vend-a-matic as in the Darlington Corporation case. There is no reason to believe that the testimony of the ABA or of such leading "conflicts" experts as John Frank would be any different on any of these cases.

FIVE CASES OF "SUBSTANTIAL INTEREST"

Bayh's charge that there are "at least five cases" in which Judge Haynsworth held a financial interest "substantial enough" to require disqualification under 28 USC 455 and to "constitute impropriety" under the canons of judicial ethics.

*1. Brunswick Corp.* v. *Long 392 F2d 348 (1967)*

A technical mistake. The Circuit Court unanimously agreed to a disposition of the case on all issues on November 10, 1967. While the written opinion did not come down until February 2, 1968, it is difficult to see how Judge Haynsworth could have had any substantial interest in the outcome of the case when he bought stock in December, 1967.

Whether Brunswick won or lost the case could not possibly have made any material difference to its stockholders, and I have heard no allegation that there was any manner in which Judge Haynsworth could have enriched himself unjustly through this stock purchase.

Senator Cook noted the insignificance of the case (even if the whole $90,000 had been recovered). It would have been less than one-half cent per share on Brunswick's 18,479,969 shares of outstanding stock or less than $5 on the 1,000 shares of stock Judge Haynsworth purchased.

*2. Farrow* v. *Grace Lines, Inc. 381 F2d 380 (1967)*

There was no substantial interest in the litigant, Grace Lines. There was no direct interest in the stock of the litigant, Judge Haynsworth held 300 shares of stock in W. R. Grace & Co., and Grace Lines was one of 53 subsidiaries owned by W. R. Grace. Grace Lines contributed less than seven percent to the parent company's 1967 revenue of $1,576,000,000.

An award of the entire $30,000 demanded would have been insignificant. Assume the whole judgment, and assume common stockholders liable, it would have reduced Judge Haynsworth's holding by 48 cents. In fact, it was a $50 judgment by a lower court jury that was simply upheld by a unanimous opinion in the Fourth Circuit.

*3. Merck* v. *Olin Mathieson Chemical Corporation 253 F2d 156 (1958)*

Senator Bayh suggested that Judge Haynsworth was engaged in illegal and unethical conduct in taking part in a case in which he had a "substantial interest" in one of the litigants. The truth is that Judge Haynsworth never owned any Merck stock and never owned any Olin Mathieson stock. Bayh now says his staff researcher misread a business transaction, and that this charge "is an error."

*4. Darter* v. *Greenville Community Hotel Corp. 301 F2d 70 (1962)*

See the memorandum attached noting that Judge Haynsworth had no stock in Green-

ville Community Hotel Corp. in 1962, and had held no stock since 1958.

The case of the Greenville Community Hotel Corporation demonstrates the absurdity of Senator Bayh's allegations that Judge Haynsworth was involved in conflicts of interest because of a substantial interest in corporations that had business before his court.

Senator Bayh charged that Judge Haynsworth had "a substantial interest" in the Greenville Community Hotel Corporation at a time that the Corporation came before his court in 1962.

We can state categorically that Judge Haynsworth had absolutely no interest in the Greenville Community Hotel Corporation or in any company having any interest in that corporation in 1962. The facts are:

On April 26, 1956, before the Judge was on the Court, one share of the Greenville Community Hotel Corporation stock worth only $21 was transferred to Judge Haynsworth so he could be a director of that corporation. He held that position until he went on the bench in 1957. On January 1, 1958, a short time after he went on the bench, he did receive a check for 15 cents for the 1957 dividend.

Judge Haynsworth, thinking he no longer owned that one share of stock, sent the check to Alester G. Furman, Jr., who had transferred the one share of stock to him two years earlier. Furman then returned the 15-cent check to Judge Haynsworth and Judge Haynsworth listed that 15-cent check as income on his tax return. That share was later transferred to Furman, who sold it on August 1, 1959, for $21. Yet, here in October of 1969, Senator Bayh is charging that Judge Haynsworth had a substantial interest in the corporation in 1962, is in violation of the law, and is engaged in what he contends is "impropriety." Either Senator Bayh did not know all the facts when he made his statement and was lax if not irresponsible in making the charge, or he knew the facts and deliberately distorted.

This is only one of the thoroughly absurd charges that have been made by Senator Bayh and other critics. Each of these cases will be dealt with in detail in the days ahead. It should be apparent to anyone who examines this charge that Senator Bayh and other critics are grasping at straws. It is unfortunate that they have filled the air with so many charges that it is difficult to get through with an explanation demonstrating the lack of substance in each of the alleged "conflict of interest" cases.

*5. Donohue* v. *Maryland Casualty Co. 363 F2d 442 (1966)*

*6. Maryland Casualty Company* v. *Baldwin 357 F2d 338 (1966)*

(Note: Both cases five and six involve Maryland Casualty Company.)

This sixth case was added after Senator Bayh was forced to admit error in using the cases of Merck v. Olin Mathieson Chemical Corporation and Darter v. Greenville Community Hotel Corp.

Senator Bayh contends that Judge Haynsworth held a substantial interest in American General Insurance Co. and should have disqualified himself in both cases in which Maryland Casualty Company was a litigant, because it is a subsidiary of American General Insurance.

Judge Haynsworth did own 67 shares of common stock and 200 shares of preferred stock in American General Insurance Company, a corporation in which Maryland Casualty was one of at least twelve subsidiaries.

It is difficult to measure the impact of a judgment upon a corporation with total assets of $888,857,336, total income of $356,602,892, and consolidated net profits of $26,672,196.

There is doubt if an adverse judgment could have any significant effect on Judge Haynsworth's fractional interest in such a mammoth corporation. Senator Cook has pointed out:

"The Judge has only .0059 percent of the 3,279,559 shares of preferred stock, and an even smaller .0015 percent of the 4,500,000 shares of common stock."

In all of these cases, we have nothing from Senator Bayh except the general contention that he believes there was "a substantial interest" in a litigant that violated the federal law, 28 USC 455, and required disqualification.

Unless Senator Bayh is holding back some important evidence, it would appear that all of his so-called "new charges" are devoid of substance.

He states there is no charge of dishonesty on the part of Judge Haynsworth. He says the question is not whether Judge Haynsworth is dishonest, but simply whether Judge Haynsworth meets "the demanding ethical standards required of an Associate Justice of the Supreme Court." If there is lack of candor, it is not on the part of Judge Haynsworth. If there is lack of public confidence in the judiciary it is not because of any acts by Judge Haynsworth.

If there is lack of confidence in the judiciary it is rather because of the elevation of Abe Fortas to the Supreme Court. If there is lack of confidence in the present nominee, it is because of the perfidy of those who have made false accusations and who continue to circulate false information about Judge Haynsworth.

JUDGE HAYNSWORTH AND JUSTICE FORTAS

When future historians of the Supreme Court of the United States come to write about the nomination of Judge Haynsworth to that court, they are bound to conclude that one of the most important facts in connection with the nomination is that it was made only three months after the resignation of Justice Fortas from the Supreme Court. Because of that fact, it was inevitable that Judge Haynsworth would be subjected to the most microscopic scrutiny to determine whether he should be confirmed as a justice of the court. So long as that scrutiny is confined to matters which genuinely relate to his qualifications to be a Supreme Court justice, and does not degenerate into reckless character assassination, one cannot quarrel with this result.

But one must have the most serious quarrel with those who say that because accusations were made against Justice Fortas, and he resigned, that therefore since accusations have been made against Judge Haynsworth, he should not be confirmed. If our Anglo-American system of justice means anything, it means that a man is judged by facts which are either proven or can reasonably be inferred, and not on the basis of accusations alone. Because of this, the case of Justice Fortas differs significantly from the case of Judge Haynsworth.

Life magazine last spring printed an article indicating that Justice Fortas, while a member of the Supreme Court of the United States, had received a substantial payment from the Wolfson Family Foundation, whose guiding genius was Louis Wolfson. Although Justice Fortas returned the money that he had reecived approximately a year after he had received it, during the intervening period of time Louis Wolfson had been investigated by the Securities and Exchange Commission, and indicted on numerous criminal charges by a federal grand jury in New York. It was further revealed that the money paid to Justice Fortas had been paid pursuant to a contract which had called for payments to him of $20,000 a year for the remainder of his life, and for additional payments of $20,000 per year after his death to Mrs. Fortas so long as she should live.

Justice Fortas issued a statement to the effect that the money was paid him for assistance that he would render to the family foundation and its charitable activities during the summer recess period of the Supreme Court, but that because of the press or work, he had found that he was unable to discharge this obligation, and therefore returned the money. He further stated, in his letter to Chief Justice Warren, that although Mr. Wolfson had on several occasions sent him material relating to the former's problems, and had discussed them with Justice Fortas, the latter had not interceded or taken part in any legal matter affecting Mr. Wolfson.

Title 18, § 205, provides in part as follows:

"Whoever, being an officer of the United States in the Executive, Legislative, or Judicial Branch of the Government . . . otherwise than in the proper discharge of his official duties—

(2) acts as agent or attorney for anyone before any department, agency, court, court-marshall, officer . . . in connection with any proceedings, application, request for a ruling, or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest—

shall be fined not more than $10,000 or imprisoned for not more than two years, or both."

By reason of all of these facts, Senators on both sides of the aisle called for an explanation from Justice Fortas. Feeling that the two statements issued by the Justice did not adequately dispel legitimate concern as to whether there might have been a violation of this criminal statute, the typical public reaction, both inside and outside of Congress, was "explain or resign".

Justice Fortas chose to resign, and therefore any fully inquiry into the circumstances of the Wolfson transaction became moot. The ultimate resolution of the question was made, not by the Senate, but by Justice Fortas himself.

In the case of Judge Haynsworth, charges have been made that he failed to disqualify himself in cases before his court in which he had a "substantial interest". Title XXVIII, § 455 of the United States Code provides as follows:

"Any Justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest . . . or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein."

Judge Haynsworth, like Justice Fortas, has been asked by the Senate Judiciary Committee to explain the circumstances surrounding these charges.

Unlike Justice Fortas, however, Judge Haynsworth has made the fullest sort of disclosure, not merely of facts and records involving his judicial activities in any way, but of facts and records pertaining to private business transactions whose connection with his judicial activities would appear to be remote at best. In fairness to Justice Fortas, it should be pointed out that the confirmation hearing of Judge Haynsworth before the Senate Judiciary Committee is a readily available forum in which the facts and circumstances can be fully investigated, while no such forum was readily available to Justice Fortas. This difference, however, results from the fact that Judge Haynsworth is a nominee to the Supreme Court requiring confirmation by the Senate, while Justice Fortas was a sitting Justice of the Supreme Court at the time the charges against him were made.

It is thus not accurate to speak of an "appearance of impropriety" in the Fortas case, and a similar "appearance of impropriety" in the Haynsworth case. The resignation of Justice Fortas prevented any examination into, or resolution of the "appearance of impropriety" in his case. Judge Haynsworth's furnishing of voluminous records does permit a

careful and factual resolution of the charges against him on their merit.

Finally, the charges made against Justice Fortas were quite different from those made against Judge Haynsworth.

Under all the circumstances, Justice Fortas was called upon to explain a situation which might involve a violation of a criminal statute. It is not unreasonable for the public to insist that holders of high office not only refrain from violating the criminal law, but also either avoid the appearance of violating it, or be prepared to explain themselves when such appearance is present.

Judge Haynsworth has been charged with failing to disqualify himself when required to by statute—a statute which not only does not impose any criminal penalties, but requires a careful judgment by a judge in each case where it might be applicable. At least three Courts of Appeals have held that a judge is as much under a duty to sit where he is not disqualified, as he is under a duty to disqualify himself where required to do so. A judge interpreting the disqualification statute may not "bend over backwards" and disqualify himself in cases where it might "appear" that he should do so, even though upon analysis he were to conclude that he should not.

Therefore, while it may not be enough for a judge to show that upon careful legal analysis he has not violated a criminal statute, even though he "appeared" to have done so, a judge is required to sit in a case in which he is not disqualified, even though upon superficial analysis it might appear that he is in fact disqualified.

The PRESIDING OFFICER. Under the order of last Thursday, the Chair now recognizes the Senator from Kansas (Mr. DOLE).

## SENATE RESOLUTION 271—SUBMISSION OF A RESOLUTION CALLING ON NORTH VIETNAM TO END THE WAR

Mr. DOLE. Mr. President, ending the war in Vietnam is the Nixon administration's prime concern. President Nixon has repeatedly stated that our limited but fundamental objective is to assure the people of South Vietnam the basic right to determine their future free from outside interference.

Publicly and at the Paris talks, the United States has offered proposals to bring peace and self-determination, and we have expressed willingness to discuss any other proposals having the same objectives.

The United States has proposed, and agreed to accept the results of free elections organized by joint electoral commissions, composed of representatives of both sides under international supervision.

We have offered to negotiate a supervised cease-fire to diminish the intensity of the conflict. In the absence of such a cease-fire, new orders have gone out to American field commanders to minimize military and civilian allies' casualties, to gear combat actions to enemy actions, and to adopt a policy described by General Wheeler as one of "protective reaction." We have called for a mutual withdrawal of all non-South Vietnamese troops, which action by their side need not be formally announced. We have commenced reduction of the U.S. presence in South Vietnam by removing over 60,000 U.S. troops—this is 20 percent of our combat troops and 12 percent of the total allied troops. Future withdrawals will be considered based on three criteria: progress in the Paris talks, military progress in the war, progress in Vietnamization of the war.

It is time for North Vietnam to respond to these initiatives. The United States is waiting. The world is waiting, and the people of Vietnam, North and South, have been waiting and suffering for 30 years. The time has come for peace. In the name of peace, I shall introduce a resolution later today calling on the Government of North Vietnam and the National Liberation Front to enter serious negotiations to end this war.

This resolution urges the Government of North Vietnam and the National Liberation Front to:

First. Acknowledge that a just and mutually agreed settlement is the best hope for lasting peace;

Second. Show at the Paris peace talks the same flexibility and desire for compromise which the allies have clearly demonstrated over the past year;

Third. Agree to direct negotiations between representatives of the National Liberation Front and of the Government of the Republic of Vietnam, as proposed by the latter;

Fourth. Withdraw their insistence on allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam before genuinely free elections could be held—and I think a very important point in this resolution;

Fifth. Provide information on the status of U.S. prisoners of war held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention.

Mr. President, by passing this resolution, the Senate can make known to the Government of North Vietnam and the National Liberation Front that this country is determined to negotiate a settlement in Vietnam.

We can convince Hanoi that there is nothing to be gained by waiting and waiting and waiting, and that they should proceed to a negotiated settlement.

Mr. President, we all want peace and an end to this tragic conflict. As President Nixon has said:

> The people of Vietnam, North and South alike, have demonstrated heroism enough to last a century. They have endured an unspeakable weight of suffering for a generation.

They deserve a better future.

We ask the North Vietnamese and the National Liberation Front to show a sign of concern for the people of Vietnam. We ask that they demonstrate that they care about a better future for all Vietnamese.

In this spirit, I ask the Members of this body—who have not done so—to join me in calling for an affirmative response from the North Vietnamese Government and the National Liberation Front.

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

Mr. DOLE. I yield to the Senator from Colorado.

Mr. DOMINICK. I congratulate the Senator from Kansas. I have the pleasure of being a cosponsor of this particular resolution. I think it is a very worthwhile effort. If I may say so to the Senator, it strikes me that all we have heard up to date has been from people who are, in general, critical of either the United States or the South Vietnamese, and are not critical of the North Vietnamese or the Vietcong. I think this has been totally without balance.

For example, I received a letter from my son who said, "Why don't we hear more about what has happened at Hue?"—where, when they went to that city, the ancient capital of Vietnam, they found graves dug in which the Vietcong, in the process of taking over during the Tet offensive, had literally buried people alive in mass graves; had lined up others, hitting them with mattocks, and buried them. Over 2,500 people were murdered by the Vietcong in that offensive alone. But do we hear anything about that at all? Not a bit. We hear about the inhumanity of the South Vietnam, or the corruption, or the problems that we have with our own intervention.

It seems to me we must do something to restructure a good deal of the thinking that has gone on; to recognize that we have gone one step after another in an effort to try to get a negotiated peace. We have not yet been able to reach it.

I may say to the Senator from Kansas that I have a statement on this matter myself. I know that, prior to my giving it, other Senators would like to make comments on the Senator's resolution.

I certainly hope that what the Senator from Kansas has done here today, and those of us who have joined with him, both Democrats and Republicans, will bring a focus of attention on some of the problems we have with the other side, which has remained intransigent and which has been unwilling up to the present time to make any kind of concessions toward getting to a peace, which is what we all want.

Therefore, I again congratulate the Senator from Kansas.

Mr. DOLE. I thank the Senator from Colorado. There has probably been a false impression created in this country about what has happened in the Senate as a result of the recent flurry of withdrawal resolutions. I certainly have no quarrel with anyone's desire to end this conflict. But we only help Hanoi when it is said that only the United States should do something or that only the South Vietnamese should do something. It is my hope this resolution will alert the American people to the fact that some of us recognize that North Vietnam is the enemy and it is time they reacted to the U.S. initiatives.

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

Mr. DOLE. I yield.

Mr. COOPER. Mr. President, I am not a sponsor of the resolution of the distinguished junior Senator from Kansas. I am not a sponsor of any of the many resolutions which have been proposed regarding the war in South Vietnam. As a member of the Foreign Relations Committee, I hope I can view each one of them objectively.

Since 1965 I said time after time on

the Senate floor that the United States should cease the bombing of North Vietnam as a way in which, it was hoped, we could reach negotiations. I said also that while no one could say whether those negotiations would be successful it was a condition precedent to negotiations, and I hoped that fruitful negotiations would follow.

It is well that the Senator has presented his resolution, because I know, and we all know, that the chief reason why we have not been able to make progress in the negotiations has been due to the intransigence and the intractability of the North Vietnamese and the Vietcong. I think it is proper and good for the Senate and the American people to keep the fact in mind as we approach the subject of Vietnam in an effort to see if we can help the President bring the war to a close. I shall speak my own views in some detail later.

Mr. DOLE. The distinguished Senator from Kentucky is recognized as one of the experts in this area, and is a member of the Committee on Foreign Relations. When the Foreign Relations Committee meets to consider the other resolutions before that committee I trust it may also consider this resolution.

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

Mr. DOLE. I yield.

Mr. HANSEN. Mr. President, the resolution submitted by the junior Senator from Kansas is timely, indeed.

It is time that the onus for continuing this war were put where it belongs—on the back of the Communist government of Hanoi.

Mr. President, the United States has taken every step for peace possible, short of betraying our ally, South Vietnam.

Let me read here what this administration has proposed in our attempts to reach a decent peace. They are measures consistent with the principles of all parties:

As soon as agreement can be reached, all non-South Vietnamese forces would begin withdrawals from South Vietnam.

Over a period of 12 months, by agreed-upon stages, the major portions of all U.S., allied and other non-South Vietnamese forces would be withdrawn. At the end of this 12-month period, the remaining U.S., allied and other non-South Vietnamese forces would move into designated base areas and would not engage in combat operations.

The remaining U.S. and allied forces would complete their withdrawals as the remaining North Vietnamese forces were withdrawn and returned to North Vietnam.

An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.

This international body would begin operating in accordance with an agreed timetable and would participate in arranging supervised cease-fires in Vietnam.

As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.

Arrangements would be made for the release of prisoners of war on both sides at the earliest possible time.

All parties would agree to observe the Geneva Accords of 1954 regarding South Vietnam and Cambodia, and the Laos Accords of 1962."

The above was excerpted from the President's speech of May 14. His position has not changed.

Neither has that of Hanoi. Despite every effort made by this administration, the North Vietnamese have refused to enter into any meaningful negotiations.

Perhaps it is time the President's critics began to put the blame where it belongs—not with the United States, but with North Vietnam.

Mr. DOLE. I thank the Senator from Wyoming. He has recited the eight points stated by the President on May 14. That clearly states that American position. I agree that if the critics would review what was said on May 14, and review what we have done in an effort to negotiate an end to the war, they may want to join with us in taking the monkey off our back and putting it where it belongs, on the back of the North Vietnamese and the Vietcong.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Kansas for offering this resolution, of which I am very pleased to be a cosponsor, calling on the North Vietnamese to show that they truly want peace.

I fervently hope that the resolution will be broadcast on all radio and television stations throughout the land, and will be run in all our newspapers and magazines, so that those Americans who see American surrender as the only road to peace will be aware that there is another side—a very serious side.

Mr. President, all across our land many young people, who, not having stopped to analyze what this war is all about, are calling for the United States literally to "bug out" on its commitments—young people who would rather have peace than honor or principle, who would surrender today to what would mean that they would be slaves tomorrow; who just do not understand what is involved.

Mr. President, it is time they heard the other side. It is time they became aware that it is the United States that has truly sought an honorable peace, and that it is the Communists of North Vietnam who have been totally intransigent, who have in fact called on the United States to surrender unconditionally, and who have in fact called on the United States to lose its principles and the great reputation it has throughout this world, to desert its allies, and to betray its principles.

Mr. President, I cannot believe that is what our young people really want. I believe, instead, they act and speak from ignorance, an ignorance that has bred fear and uncertainty.

I think there is no excuse for that ignorance. The facts are available. I believe that if they will look at the facts, the facts will change their minds.

Mr. President, the United States is not fighting an innocent foe with clean hands and honorable intentions. We are fighting a foe who is guilty of torture and mass murder, and of mistreatment of American prisoners. The facts are there to be seen by those who wish to see them. It is time that those who would surrender took a look at those they would surrender to. It is time they reconsidered.

Last Friday, the Washington Post's front page was plastered with pictures of people carrying Vietcong flags on the streets of Chicago. Those people say they are opposed to our present policies. Why are they opposed? President Nixon is moving with all the speed he can muster toward an honorable settlement in Vietnam, but he cannot proceed if he is undercut at home by elements of irresponsible criticism. Therefore, I suggest that Americans who wish to show their support for our President, in his effort to win a just and honorable peace, can fly the American flag and display it in every appropriate way on October 15, to let Hanoi and the world know we stand solidly in support of our President.

I commend the Senator from Kansas for his speech and his resolution.

Mr. DOLE. Mr. President, I commend the Senator from Arizona for his excellent suggestion with reference to flying the flag on Wednesday of this week. With reference to publicizing this resolution, I can only assure the Senator that it will be published in the CONGRESSIONAL RECORD. I am not optimistic that it will receive wide publication outside the RECORD, because the liberal media in this country is not interested in this aspect of the Vietnam war.

I hope those who are concerned with winning the Vietnam war will read the Senator's comments and this resolution very carefully.

Mr. GOLDWATER. Mr. President, I, too, wish to commend the distinguished Senator from Kansas, not only for his remarks but for the introduction of his resolution. I am happy to have my name on it as a cosponsor.

Several questions enter my mind after listening to the Senator's presentation. The first is, what kind of peace are these people talking about? If they think for one moment withdrawing our troops unilaterally is going to create peace in this world, they are crazy. That is the surest way to enlarge the war and start new wars all over the world. Why the people who advocate unilateral withdrawal cannot understand that, I do not know.

Sometimes, as I look upon this radical left, I wonder how they can be made up so largely of academic people, and yet never seem to have read their history. I do not know what they base their judgments on.

The question comes to my mind, who speaks for youth? I do not see many youthful faces in the pictures of the Chicago demonstration. I see some middle-aged, fuzzy-haired people who have long since ceased to be young.

Mr. President, I think these questions have to be answered. While driving to work this morning, I heard on the radio a remarkably disturbing statement that the mayor of New York has proclaimed that black bunting will be flown on the government buildings on Wednesday, that the flags will stand at half mast, and that the bells will toll.

Mr. President, who speaks for the people of New York City? I do not think the mayor speaks for them, because I do not think, if you took a poll in New York City, as fuzzy as we think that place to be at times, you would find that the ma-

jority of the people would agree with the mayor when he says:

We are going to turn tail and pull out of Vietnam, regardless of what happens.

It is this kind of things going on in the country that disturbs me. Americans historically, whether they have agreed with him or not, have backed the President of the United States when we are in war. That is exactly what we are in today, and I think it is high time our own colleagues in this body and some other people around the country stand ready to back the President as those of us who back him on this floor stand ready.

I again thank the Senator from Kansas, and am happy to be included with his cosponsors.

Mr. DOLE. I thank the Senator from Arizona for cosponsoring the resolution. It is a well-reasoned resolution, it does not seek to chastise anyone, but simply states the case as it is. Mr. President, we are telling it like it is, the only group holding up peace in this war are the National Liberation Front and the North Vietnamese.

I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I commend and thank the distinguished junior Senator from Kansas for an excellent presentation and an outstanding resolution. I join with the Senator from Kansas and other Senators today in cosponsoring this resolution, because I believe that it can, if properly understood, make a significant contribution to intelligent thinking about future American policy in Vietnam.

I am convinced that many people on all sides of this issue of paramount importance are thinking less carefully and less objectively than they perhaps should, without carefully weighing and measuring the many alternative policies available to us, being swayed by prejudices and emotions.

The substance of the resolution introduced today is that the Government of North Vietnam and the National Liberation Front are urged to take steps that might, in concert with steps already taken and yet to be taken by the United States and the Government of South Vietnam, assist in bringing to an end this tragic conflict and working toward a fair and lasting peace.

Mr. President, there is nothing essentially new about urging Hanoi and the National Liberation Front to adopt a more flexible position on the battlefield and in Paris. The Government of the United States and other governments and organizations have, for many years, been urging just such flexibility. But I feel that the timing of this resolution may be of considerable importance, most particularly with respect to public debate on the war here in the United States and in this body; because I am convinced that the strategy of Hanoi and of the National Liberation Front is predicated almost entirely on their estimate of the direction that the public opinion will take in the United States in the next weeks and months just before us.

Every man, woman, and child in the United States who knows about Vietnam wants an end to the war in Vietnam. The terrible cost of the war in human casualties, in diverted resources, in spiritual and intellectual anguish, has been immense. I cannot believe that there is a single American who does not want an end to this conflict.

But not everyone in this country means the same thing when he speaks of "an end to the war." It is my hope that the resolution introduced today by the Senator from Kansas can help every American understand more clearly that an end to the war means more than just the withdrawal of American troops, and that, when they speak of an end to the war, a great many Americans, perhaps a majority of Americans, do really mean an end to the war. Some, however, do not mean an end to the war, but, rather, an end to American involvement in the war.

Mr. President, a growing number of Americans seem to be thinking of the war in Vietnam only in terms of the immediate domestic cost to ourselves. The terrible killing and wounding of American men, the diversion of great physical wealth from programs urgently needed here at home, and damage to the moral and spiritual fiber of our society—these costs are indeed incalculable, and they must constantly be weighed against our commitment to the people of South Vietnam.

Mr. President, in considering the total context of the dilemma in which we find ourselves, we must keep in mind that the United States of America has gone the extra mile. We will have unilaterally withdrawn at least 20 percent of our combat troops by December 1969. We have made the offer of internationally supervised elections, and we are moving toward the de-Americanization and Vietnamization of that effort. We have stopped the bombing. We have reduced the level of combat hostilities and activities in that troubled area. We have done all those things which must be considered as the last, best, good-faith effort to show to the Asian people the desire of the United States really to end that war—not merely to end our part in the combat, to withdraw unilaterally, and disengage and leave that great part of the world to the cannibalism of another Maoist adventure or another exercise in elimination by a totalitarian regime.

The junior Senator from Kansas has done a magnificent thing today, at an appropriate time, by formally proposing that the Senate call on North Vietnam and the National Liberation Front to take some steps toward meeting our efforts—our multiple efforts thus far—to end this terrible conflict, so that we can turn our full attention to the general grievances of mankind.

Mr. DOLE. I thank the Senator from Tennessee, not for myself, but for all Americans, particularly those young Americans who are now fighting in South Vietnam. Sometimes, in the game of resolutions and debate, we overlook those heroic Americans who are daily risking their lives in Vietnam.

I deeply appreciate the comments of the Senator from Tennessee.

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

Mr. DOLE. I am pleased to yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I warmly commend the distinguished Senator from Kansas for submitting this resolution, for having spoken so well on it, and for having also stirred such favorable reaction.

If I were among the youth who received an invitation to the October 15 events, I think I should want to ask myself some questions. The right of dissent is enormously important in this country. We must all defend and welcome it. The right to hear all sides is immensely important. I hope that during this time there will be a recognition of the true nature of the enemy, of the adversary. I hope that Americans will not have any difficulty deciding what side they are on.

But if I were one of those young people, I think I would ask myself, "Where was I 6 months ago?" and "Where do I stand now?"

The Senator from Kansas has pointed out that 6 months ago, these young men were in a state where for 7 years they would have been undecided, frustrated, and uncertain of their future; uncertain whether they would be called into the Armed Services or not. Now that period has been shortened to 12 months. Six months ago, we had a maximum number of men in Vietnam. That number is being reduced substantially every week.

Six months ago, or at least prior to May 14, there were no offers of peace terms from the United States. Now there are, and they are the most generous ever offered by a nation. I think I would like to say, "Hurry up, Hanoi." I would like to see that statement appear on some of the placards. I would like to see on some of the placards some of the suggestions made by the distinguished Senator from Kansas.

As the Senator well pointed out, throughout all this furor very little compassion has been shown the prisoners of war. His proposal that we receive information on the status of the U.S. prisoners of war and that we make certain that they are being treated humanely in accordance with the provisions of the Geneva Conventions seems to have been overlooked.

Those who would propose all sorts of precipitate departure seem to have forgotten that some of their fellow Americans are imprisoned under conditions which we have good reason to believe are far less than humane. Some Americans who have advocated precipitate departure seem to have forgotten the massacres that have ensued.

Some of those who advocate precipitate departure should remember, as the Senator from Kansas has pointed out, that the enemy should withdraw its insistence on an allied surrender. Yet they demand an overthrow of the Government of South Vietnam and say that genuinely free elections can be held. Are those who demand this blind to what happened the last time, when another administration presided at the time of the overthrow of another Government of Vietnam, and chaos ensued? Many lives that were lost then would not have

been lost had their been an orderly transfer of government.

Perhaps the Government of South Vietnam has not been perfect, but I do not know of any government which is. The South Vietnamese Government has installed some persons who, in my judgment, should not be in it; but then I know of other governments whose behavior has not been perfect. It is necessary to have a viable government in being if a country is to have true peace. If the people do not like a government, then they ought to have free elections and choose another government.

What I am pleading for is to encourage young people, on October 15, to ask themselves one question: "Whose side am I on?" There can be but one answer. I know their answer. They are all on our side; they are all Americans. Then, being on our side, let them direct some of their energies to the enemy, who stands in the way of peace.

The Senator from Kansas has justly, fairly, and temperately worded the resolution. He simply asks the enemy to consider now its obligation to help to bring about peace and end this terrible war. I again say that that is responsible, that it is evidence of our recognition of the nature of the adversary.

Again, I congratulate the Senator from Kansas on his sagacity in making this proposal, which to my mind does much to bring the whole matter of our national debate into better proportion.

Mr. DOLE. I appreciate the comments of the Senator from Pennsylvania. The purpose of the resolution is not to antagonize those who may have a different view; but, as the Senator from Pennsylvania has said, more eloquently than I can, its only purpose is to bring the question into proper perspective. Let us look at both sides.

Yes, maybe we have made mistakes. Maybe South Vietnam has made mistakes. But what about North Vietnam? It takes two to make an agreement.

I informed President Nixon this morn- that I planned to submit this resolution. He was pleased to see this initiative. He said, as he has before, that only Hanoi stands in the way of peace.

Perhaps there ought to be a movement on the part of North Vietnam. Maybe they should make some movement or response that would indicate they want to bring an end to this tragic conflict. That would please everyone—everyone in America, and everyone in the rest of the world.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the lapse of the 2 hours which constitute the morning hour, the Senate proceed under the orders as previously agreed to.

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

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

Mr. DOLE. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to take this opportunity, as one of the cosponsors of the Senator's resolution, to add my voice to the chorus of approval and commendation which he is hearing today following his very excellent presentation.

Lest there might be some who think that this is merely a partisan exercise, I believe it is most appropriate to call attention to what the former Vice President, the Hon. Hubert H. Humphrey, said following a visit to the White House last Friday. He was reported as saying that he believed "the President is proceeding along the right path" in seeking peace in Vietnam. Then he added, most appropriately:

> We have only one President at a time, and I think the worst thing we can do is to undermine the position of the President.

Needless to say, it is not often that the former Senator from Minnesota and the former Vice President receives any praise or indication of approval from this side of the aisle. But I am glad to commend Mr. Humphrey for his responsible and statesmanlike attitude, and I wish to commend what he said to others in both parties who continue to carp and to criticize, for whatever reasons, with the unfortunate effects of undermining the President in his earnest efforts to achieve peace.

In addition, I wish to call attention to a suggestion made by the distinguished minority leader a week ago. While no campaign is organized as such, he suggested on nationwide television that it would be a good idea that if those who support the President's earnest effort should demonstrate their support by turning on the lights of their automobiles on October 15. I hope many Americans will follow the minority leader's suggestion.

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

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

Mr. MURPHY. Mr. President, I join with the distinguished Senator from Kansas and commend him for the presentation of the resolution. I am pleased that I have had the opportunity to be in the Chamber and listen to the remarks of my colleagues with regard to the situation in Vietnam. It seems to me that, as months have gone by and years have gone by, we in America have been subjected to possibly the greatest propaganda attack that has ever been staged on a people, to the extent that at times we forget how the war in Vietnam started and why we are there. We forget the nature of the enemy. We forget where the enemy resides.

We talk about the National Liberation Front. Why do we not say "the Communists"? That is what they are.

We have youngsters in school who give the Communist salute, the clenched fist. They do not know what they are doing, because it has not been explained to them. How are our people to know, unless the truth is told?

As a result of the resolution of the distinguished Senator from Kansas, much of the discussion that has been lacking in this Chamber is now coming forth.

We speak about the nature of the enemy. I recall the start of the Vietnam war, in the Plain of Jars, where, by stealth, the stomachs of the South Vietnamese were slit during the night. I was in South Vietnam when they held the election of the government about which we hear so much. I recall that we heard the same things about the government in Korea. I recall that we heard the same things about the government in China, the Nationalist government—the same government that is now doing so well in Taiwan and is having such success that it no longer needs our help. These same cries of corruption were made, and I recall them vividly.

Let me say something about the way it is approached in South Vietnam. The week before we went there to watch the elections, over 1,000 South Vietnamese were either murdered or kidnaped in order to frighten the people away from the polls, to keep them from voting in the election. While I was there—I have told this story in the Chamber—had I been on schedule, two plastic bombs were set in the exact location where I would have been in the town of Tuy Hoa. It would have been a good idea to blow up a United States Senator, to scare the people of South Vietnam. Thirty-nine people were hurt when these bombs went off. Two men lost their lives. Thirty-seven people came back after having their wounds dressed and voted. I said then—and at every opportunity I have had—that I have never seen a people with a greater determination for democracy than the South Vietnamese. Now we hear voices which say, "Walk away and leave them."

Let me read some figures I have.

Mr. President, the innocent people of South Vietnam live in daily terror of murder and torture from their Communist brethren in the north. Let me cite some random reports:

September 30—an indiscriminate Vietcong mortar attack killed five civilians and wounded 12 others in the Cam Nam village. Farther to the south, in Rinh Din Province, a Vietcong sapper squad entered the hamlet of Chanh Tru, went into the market area, and assassinated one identified civilian. After killing the man, the sappers went to his house and blew up and burned his wife and his child.

September 28—an unknown number of Vietcong entered Dong Luc hamlet and assassinated the deputy hamlet chief. Why? To take a life? Of course not. To strike terror into the whole country, to terrorize them into the acceptance of the imposition of the Communist-atheist government from the north. These people do not want it, and they have fought valiantly in order to keep from its imposition. We have joined them.

As of September 8, official reports indicate that 22,500 South Vietnamese civilians have been the victims of Vietcong terrorists since the first of this year.

Mr. President, the time has long passed when this contrived confusion in America should be allowed to go unchallenged. It is time that our young people—yes, our older people—insist that the true story be told as to the actual reason why we are there, the reason why we dare not leave, and as to the will of these people for democracy. Certainly there is corruption. There is corruption in Washington. There is corruption in California—very

little, I am proud to say, since the new administration there. But these are the things we must bear in mind.

I would hope that the press and the communications media would spread this word to the young people who are being hoodwinked, who are being used, and who are being misled, just as the people in my industry, in Hollywood, were misled years ago, and joined in an effort to create chaos in this Nation, which they did not understand.

We have to get to the basic facts, we have to understand what has been done. What is the United States attempting to do? Why do we allow people around the world to call us imperialists? We have no imperialistic design. We know where the imperialism is. It is in Communist Russia. If Communist Russia would stop supplying the arms to North Vietnam, the war would be 90 percent finished the minute they would do that.

The same applies with respect to the Middle East. I had the privilege last week of listening to the Prime Minister of Israel, Golda Meir. She said three times that it is time that we recognize the enemy and point out the enemy.

So I am pleased that the distinguished Senator from Kansas has submitted this resolution. If I have any complaint, it is that the resolution is too mild. I think it should be strong and firm and direct so there can be no misunderstanding.

I hope the people of this great country, along with our distinguished colleagues, joint the Senator in saying this resolution is the embodiment of the desires and feelings of the people of this country with regard to the valiant little country we have been trying to help in Southeast Asia, South Vietnam.

Mr. DOLE. I thank the Senator. I hope this resolution will put the matter in proper perspective. I believe strongly that because of the one-sided media coverage on the question of Vietnam there has been a false impression created. At least with the consideration of this resolution by the Committee on Foreign Relations, the matter will be placed in a different light.

I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I commend the distinguished junior Senator from Kansas for conceiving and submitting this resolution. I am not one of the cosponsors but I shall vote for the resolution if it emerges in its present form or in an amended form that does not cause it to lose its spirit and purpose.

I am going to support the resolution because I approve its spirit and purpose, although I have strong doubts and misgivings as to its method of putting into effect that spirit and that purpose.

I call attention to the fact that the resolution urges the enemy—and that is what they are, North Vietnam—to take certain steps. Now, it is definitely an exercise in futility to urge the enemy to act as we would have him act. My preference would be that the resolution state that it supports the President in demanding that North Vietnam take certain steps. If we urge North Vietnam to act in certain ways, it possibly may be inconsistent with the proposals now being made in Paris by our peace negotiators. If we urge him to take certain action, of necessity, it would invite a reply by North Vietnam, and receiving a reply from North Vietnam that then would occasion another reply by the Senate. So we would find ourselves supplanting the regularly and duly constituted authorities in seeking to negotiate with North Vietnam.

But I am so strongly in favor of showing support for the President's efforts to end the war in Vietnam, and I am so strongly in favor of having a bipartisan or nonpartisan approach to this problem, which is a problem for the entire country and the entire world, that I will support the resolution.

However, I would ask the distinguished junior Senator from Kansas to give serious consideration to the method by which he is getting across the idea that it is North Vietnam and not the United States and not the Republic of South Vietnam, that is preventing us from having meaningful negotiations in Paris.

It would be far better to support the President's policies, and by our resolution to say we support those policies, rather than for the Senate to enter into foreign relations; that is, negotiations with a foreign power to the extent of urging them to take certain action.

I believe the action of the Senate should be action endorsing and supporting the President, critical of North Vietnam, and backing the President in insisting on action by North Vietnam rather than for the Senate to urge a course of action on North Vietnam.

I am so strongly in favor of taking a stand behind the President's efforts to end the war in Vietnam that I will support the resolution.

Mr. DOLE. Mr. President, I appreciate the remarks of the distinguished Senator from Alabama. I share his views and am certain nothing the Senate does is going to bind the enemy, and they are the enemy. They have made no effort to end the war in Vietnam. In the last paragraph of my resolution I do, in effect, state support of the President's position because he has said time and time again everything is negotiable in this war except the right of self-determination.

I could not agree more that this should be a nonpartisan or a bipartisan effort. I deplore the tactics of some who now make it partisan. I deplore more that some of the American people seem to feel that only a handful in this body speak for America. The real purpose of the resolution is to let the American people know, if we can, that a rather sizable number of Senators understand who the enemy is and that we are determined to make our voices heard.

I yield now to the Senator from Oklahoma.

Mr. BELLMON. I thank the Senator from Kansas and I compliment him on the leadership he has taken in providing a vehicle for Senators to show we do support the President and that we are united in the effort in South Vietnam. The resolution provides a very important function in that it places the emphasis where it belongs, and that is on the North Vietnamese, who keep the war going.

This war will end immediately, as soon as the north stops sending troops and supplies into the south in an effort to disrupt the Government of South Vietnam and take over by force.

I believe the resolution makes it plain that this Nation is willing to stop its involvement there as soon as the north agrees to let the people of the south make their own decisions, run their country, and conduct their affairs the way we expect the people of the world to do.

I believe the Senator has provided a great service to the American people in helping to make plain that a large number of Senators silently back President Nixon and the policy he is following over there, and that we do not believe we should, as has been said here today, bug out and let the Communists take over that nation.

I have visited South Vietnam on two occasions, in 1965, and again in July of this year. I have been extremely impressed with the progress being made there on three fronts. First, on the military front I was impressed to find the South Vietnamese are now operating the most sophisticated weapons we have there, our helicopters, artillery, transport vehicles, jet aircraft, and rivercraft. These military operations are all being taken over in a competent way by the armed forces of South Vietnam. They are rapidly reaching the point where they will be able to supply security for their people.

I am happy with the progress on the political front. In 1965 the governments there were falling one after another, but since the election of Thieu the government has had a high degree of stability. The participation in that election was high. More than 80 percent of the people voted in spite of threats against their lives and safety, which is a far better record than we have here.

I was impressed with the progress on the economic front in July. Large numbers of South Vietnamese were free to go to their farms and their lands and conduct their lives in a regular fashion because they had the security which had been denied them earlier when the Vietcong were operating throughout the country and terrorizing villages.

To me the important point is, whether or not the opponents of the President recognize it, the war is ending and coming to a conclusion. The war there started with infiltration from the North. Acts of atrocity were committed against leaders of the South Vietnamese Government.

The war will probably not end the way we like to see wars end, with the signing of documents and the sudden cessation of hostilities. Last week's record shows that the level of casualties to Americans in South Vietnam was the lowest during that week of any during the past 3 years. The record will also show that most of the larger, organized North Vietnamese military units are no longer active in South Vietnam. This indicates that the war is rapidly coming to a conclusion, and together with the fact that we can withdraw 60,000 combat troops is another evidence of the fact that the level of hostilities is declining.

Therefore, I feel that this resolution will help to point out that our national

leader, President Nixon, is on the right track, that the war is coming to a conclusion, that we are accomplishing our objectives there, that it is only a matter of time until the South Vietnam Government will be able to provide security for its people, and we will be able to disengage our military forces and see a stronger country emerge in South Vietnam.

Mr. DOLE. I thank the distinguished Senator from Oklahoma and am pleased to have his comments. As he stated, he and the Senator from Alaska have been in Vietnam and have observed what has happened there. They have firsthand knowledge of the situation.

Again I say, the efforts being made here by the Senator and others, who are cosponsoring the resolution put the entire matter in its proper perspective and will let the American people know that there are two sides to the issue, and that there is a new direction in Vietnam.

I am now happy to yield to the Senator from Colorado.

THE PRESIDENT ON VIETNAM

Mr. DOMINICK. Mr. President, I am deeply distressed during these troubled times in our Nation's history to hear the discordant voices of some in this body seeking to discount and discredit the great efforts being made by President Nixon toward peace in Southeast Asia. I wonder whether such utterances, which refer to our continuing withdrawal of troops and lowering of draft calls as "tokenism" and "an exercise in politics," are not in fact doing more to hinder than to help us reach the goal we all seek: A permanent solution to the Vietnam war?

I am certainly not attempting here to impugn the motives of anyone, because I sincerely believe we all share an intense desire to see that tragic conflict in Southeast Asia ended.

President Nixon said most eloquently in his televised report to the country on May 14:

> I want to end this war. The American people want to end this war. The people of South Vietnam want to end this war. But we want to end it permanently so that the younger brothers of our soldiers in Vietnam will not have to fight in the future in another Vietnam someplace else in the world. The fact that there is no easy way to end the war does not mean that we have no choice but to let the war drag on with no end in sight.

He also said in that report to the Nation:

> We can have honest debate about whether we should have entered the war in Vietnam. We can have honest debate about how the war has been conducted. But the urgent question today is what to do now that we are there.

I agree wholeheartedly with that statement. I have stated repeatedly in this Chamber, at public meetings, and on national network television programs, that it was a tragic mistake for the United States to commit ground troops to fight in Southeast Asia. President Nixon, I am sure, feels the same way. In fact, during his news conference on Guam following the safe return of our Apollo 11 astronauts, he said:

> Future U.S. policy in Asia would aim to avoid military intervention which could involve the country in situations such as Vietnam, while encouraging Asian nations to assume greater defense responsibilities.

I believe that President Nixon is earnestly working to put just such a policy into being. But I am tired of hearing members of the other party who had the responsibility for Vietnam for 8 years criticizing the President because he has not gotten us completely out of Vietnam in 8 months.

Mr. GOLDWATER. Mr. President, will the Senator from Colorado yield at that point?

Mr. DOMINICK. I yield.

Mr. GOLDWATER. I apologize to the Senator for interjecting at this point, but I believe that we are laboring under a false apprehension in this country as to what President Nixon has actually done.

The Senator from Colorado has been in the military and he knows that our backup strength is always greater than our ground forces, in a ratio of 5 or 6 to 1. In the Air Force, that varies, but generally it is 20 to 1. That is 5 or 6 men in the backup strength to 1 who is subjected to a possible casualty. In the Air Force the 20 to 1 applies to the pilot, the radarmen, and so forth.

Everyone knows that there were 500,000 men in Vietnam and that the President has brought home 50,000. It is my humble opinion that very few of the men left in Vietnam will be exposed to the possibility of casualties, except in the Air Force. The possibility of casualties in the Air Force is much less than for ground forces.

I think that we must get this difference broken down. I have made statements publicly, which have not been challenged, on this point. I just want to bring it up, and emphasize that what a majority of my colleagues seem to be looking at is the figure of roughly 500,000 men. That number of men is not subject to daily exposure to enemy fire.

The President has done a remarkably fine job of carrying out his promise to bring the men home who have been exposed to the possibility of becoming a casualty; namely, the ground forces and the Marines.

I want to inject that thought into this debate and I thank the Senator from Colorado very much for letting me do so.

Mr. DOMINICK. I thank the Senator from Arizona. He is making a valuable contribution to this discussion.

Mr. President, we are making progress toward disengagement in all of Southeast Asia. For example, following his meeting with President Nixon on July 29, the Thailand Prime Minister announced that the 47,000 U.S. troops in Thailand would be gradually withdrawn. And that is being done. But I disagree that we should try to impose on the President any timetable for complete withdrawal, either from Saigon or elsewhere. That should be at his discretion.

At his news conference on September 26, the President rejected the idea of an arbitrary cutoff, saying:

> I know they were made with the best of intentions. However, it is my conclusion that if the Administration were to impose an arbitrary cutoff time, say the end of 1970, or the middle of 1971, for the complete withdrawal of American forces in Vietnam, that inevitably leads to perpetuating and continuing the war until that time and destroys any chance to reach the objective that I am trying to achieve of ending the war before the end of 1970 or before the middle of 1971. I think this is a defeatist attitude, defeatist in terms of what it would accomplish. I do not think it is in the interest of the United States.

The Wall Street Journal, in its editorial on October 2, brought out some very valid points on the subject of imposing an arbitrary cutoff. I ask unanimous consent that this editorial, entitled, "The Measure of Tragedy," be printed as part of my remarks.

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

THE MEASURE OF TRAGEDY

Emotionally all Americans recognize the Vietnamese war as a tragedy, but intellectually they have trouble grasping the concept. They cling to the typically American belief that if they find the right combination of levers there will be an easy way to end the agony.

In this respect Senator Charles E. Goodell's resolution calling for the withdrawal of all U.S. forces by December 1970 is better than most. The policy it would mandate is absolutely cogent: Wash our hands of the affair and hang the consequences. We think the Senator vastly underestimates those consequences, but the starkness of his proposal is an important contribution to intelligent debate. At least he proposes an alternative that does exist.

We're not at all sure the same thing can be said for more "moderate" proposals for ending the war. Some apparently serious people seem to believe, for example, that it can be ended by offering to give the Vietcong a "fair share" of political power in the South, which we imagine would be somewhere around 20%. Some people even profess to think that once this is done free and honest elections can follow.

This is, among other things, an insulting underestimation of our antagonist. He is not a bandit who can be bought off with a few cabinet posts. He is a zealot who religiously believes that the majesty of history entitles him to rule Indochina. From his standpoint, the only honorable thing to do with partial power will be to use it as a stepping-stone in his drive for total power, and he will continue that drive by all means including shooting and killing whenever he deems the moment ripe.

To end an encounter with that kind of foe through an honest compromise simply does not fit the tragic themes the script has followed so far. Our role and our honor, of course, call for continuing to strive for such a compromise. But we need not delude ourselves; it is likely to prove a mirage.

To Senator Goodell's credit, he recognizes as much. Also to his credit, he is responding to the gut question: If no compromise settlement is forthcoming, what do we do then? Further, his answer of complete and unilateral withdrawal would end the American casualties in this particular war. But we very much doubt it would provide a happy ending.

The Communists would take over South Vietnam by military force, which would be a cheap enough price if the international effects stopped there. But just as the American debacle at the Bay of Pigs helped prompt the Soviet initiatives leading to the Cuban missile crisis, so we expect American defeat in Vietnam would encourage the adventurists throughout the Communist world. We do not know whether the next crisis would break out in Thailand, Berlin, South America or elsewhere, but we do feel that over the

long run a show of American irresolution is likely to result in worse crises, not easier ones.

A Communist take-over in Saigon also would be likely to make American domestic discord worse—not better as is so often and so glibly suggested. Judging by what happened subsequent to Communist victory in North Vietnam and during Communist occupation of Hue during 1968, we can assume their victory in the South would lead to the massacre of several hundred thousand South Vietnamese whose crime was putting their trust in the United States of America. Those who talk about whether continued war is "politically acceptable" might also ponder whether the American people will reelect a President who presides over such a spectacle.

Reelection of any particular President, to be sure, is only symptomatic of the broader political-social costs at issue. Yet precisely in these broad terms, we see little in world history to suggest that military defeat is good for a nation's domestic problems, and little in the bitter aftermath of the Korean War stalemate to suggest that this nation is one of the exceptions. Some generals are already saying they could have won the war if unleashed. And as is being more widely recognized, white-working-class America is already seething with discontent against the prevailing establishment. For our part, we have no desire to see what, say, George Wallace could do with a stab-in-the-back theme.

If these are the likely costs of traumatic withdrawal, it's easy to understand why the Nixon Administration is withdrawing only gradually and carefully. If negotiations continue to yield no result, it seems likely the Administration will continue to pare down U.S. combat forces—looking less to complete withdrawal than to maintaining a smaller and less burdensome force, but still one large enough to help the South Vietnamese prevent a Communist victory.

This course too has obvious risks. For one thing, as Joseph Alsop has been pointing out recently, the Communists might again send full divisions across borders to fall on the smaller U.S. forces. At worst, there could be an outright military defeat. At best, careful withdrawal guarantees no quick end to the war, only a reduction in the U.S. participation.

The Administration's evident course obviously is no happy one, but it looks a little better when you also look clearly at the alternatives. It makes more sense if you understand there is no magic combination of levers, that there is no easy way out, that this war is indeed a tragedy in the full sense of that word.

Mr. DOMINICK. Mr. President, a United Press dispatch from Saigon, datelined October 6, 1969, quotes Vietnamese President Thieu as saying in a speech to the National Assembly:

South Vietnam is determined to replace the bulk of the U.S. fighting units in 1970.

This certainly indicates that we are making progress in getting the South Vietnamese to take over entirely their own defense.

Other critics of the President's efforts to end the war have suggested that he should impose a unilateral cease-fire, directing our troops to fire only if fired upon. President Nixon answered that proposal at his news conference on June 19, saying:

I have checked the situation with regard to our operations as compared with the enemy's since this Administration took over. I find that our casualties are in direct ratio to the level of enemy attacks. We have not escalated our attacks. We have only responded to what the enemy has done.

In his column in the Washington Post of October 7, 1969, the noted columnist David S. Broder satirically discusses the current situation under the title: "A Risky New American Sport: 'The Breaking of the President.'" I ask unanimous consent that Mr. Broder's article be printed at this point in the RECORD as part of my remarks.

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

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(By David S. Broder)

CAMBRIDGE, Mass.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the student's views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear freinds, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, and President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

Mr. DOMINICK. Mr. President, in the October 13, 1969, issue of Newsweek, Mr. Stewart Alsop has made an excellent assessment of the problems confronting President Nixon and the leaders of the free world over the war in Vietnam. I ask unanimous consent that Mr. Alsop's article, entitled "The President On Vietnam," be printed in the RECORD as part of my remarks.

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

THE PRESIDENT ON VIETNAM

(By Stewart Alsop)

WASHINGTON.—"I'm not going to be the first President to preside over an American defeat."

President Nixon has made this declaration, or something like it, to many recent visitors. He made it to the Republican Congressional leaders who discussed Vietnam policy with him last week, and he also made it to this reporter, who saw him briefly and unexpectedly after a White House talk with Presidential aide Henry Kissinger. To all his visitors, the President has made it clear that he has given a great deal of very hard thought to the courses open to him in Vietnam, and that he has now arrived at certain conclusions which he is not at all likely to change.

The basic conclusion is simple—that a

"humiliation" of the United States in Vietnam, or even a defeat which could be disguised for a year or two, would have genuinely disastrous consequences both abroad and at home. What worries him most are the consequences at home.

If the American people were told that the loss of Vietnam would lead to the loss of Thailand, or the Philippines, or Indonesia, he has remarked rather ruefully, a great many of them would respond with a "ho hum." The great danger, he feels, is that as a result of a humiliating defeat by a small agrarian country, the United States would lose, not merely the respect of the rest of the world, but its own self-respect and self-confidence. As a result, the United States, the "main prop" of the whole non-Communist world since Britain ceased to be a great world power, would abandon its world responsibilities, and turn angrily in upon itself.

UNDERSTANDING

The President is further convinced, partly as a result of his travels abroad since he became President, that the leaders of the non-Communist world understand this danger thoroughly, although some of them for political reasons criticize the American role in Vietnam. The President has remarked to visitors, for example, that Indira Gandhi of India told him that the last thing India wanted was to see American humiliated in Vietnam. Golda Meir of Israel ("What a woman—I'm glad she's on our side," he remarked recently) also fully understands the disastrous world implications of an American defeat in Vietnam, and so do the Western European leaders.

He tells of one European who "talks very dovish for home consumption," but who told the President in private that an American defeat in Vietnam would be a great disaster for Europe. Already, the President points out, there is heavy pressure on him to bring several divisions home from Europe, and in the wake of an American defeat in Vietnam, the pressure to abandon Europe entirely would become heavier still.

The President has no illusions at all about the extent to which the "leadership groups" in the United States now favor a policy of extrication from Vietnam at any cost. He is unhappily aware, for example, that no single college president has taken a firm stand against the demand for "immediate withdrawal" from Vietnam by the Oct. 15 moratorium movement.

MAJORITY

He is also, of course, aware that the Majority Leader of the Senate, the chairman of the Democratic National Committee, and all five Democratic senators with Presidential aspirations—as well as several influential Republicans—have endorsed the moratorium. But he appears to be convinced that a majority of the Congress—and a majority of the people—are on his side.

For example, he believes that if the Goodell resolution to withdraw all U.S. troops from Vietnam next year ever comes to a vote, it will be beaten and beaten very badly. The Senate is perfectly aware, he has told visitors, that if such a resolution passes, Henry Cabot Lodge might just as well be summoned back from Paris, since there will be no hope at all of a negotiated settlement.

The President points out to visitors that he has offered to negotiate on all points; that the American Government has proposed an international electoral commission including Communists; and promised also to abide by the results of any election, even if the Communists win it. Moreover, the Saigon government has agreed to these propositions, something, he says, that would have been hard to imagine even a few months ago.

Abroad, he has said, even the peace groups have been pretty quiet, because it is so generally realized that it is the Communist side that is really refusing to negotiate. He is not sure that enough has been done to explain his policy at home.

He denies that he has "fallen into the Johnson quagmire," and although he refuses to criticize the former President, he says that the Johnson policy has now been turned right around. Already, he points out, some 15 per cent of the American combat troops are on their way home. The President never talks in specific terms of further withdrawals—perhaps because on that point he has not made up his own mind—but those who have seen him have little doubt that the 1970 withdrawals will be much heavier than this year's.

When the American people realize that his policy is to reach a compromise settlement if possible, and, if that is impossible, to withdraw in such a way as to give the people who have fought on our side a fighting chance to survive and prevail, a majority of Americans will support the policy, or so the President believes. In any case, he says, he is not going to be influenced in his policy by violence or demonstrations, and he is not going to be influenced by his standing in the polls either.

Hanoi, he says, certainly expects that what happened to President Johnson will happen to him—and Hanoi could even be right. But he will be President and Commander in Chief for more than three more years—that is one basic difference between his situation and President Johnson's. And even if his standing in the polls falls lower than President Johnson's, he tells visitors, he is simply not going to accept humilitation or defeat for the United States, come what may.

CONVICTION

A President can never be entirely candid with close friends, let alone casual visitors and political acquaintances. A President who knows his business uses words not only to express his meaning, but to produce an effect. One effect that President Nixon certainly wants to produce is to persuade the Communists that it is no use waiting for South Vietnam to fall into their laps; and that it will therefore be in their interest to begin at long last to negotiate seriously.

Moreover, it is in the President's political interest to appear staunch and resolute, especially since there is a clear risk that his policy of sharply cutting back the American commitment in Vietnam might have a bad military or political result. For such reasons, a certain skepticism about the President's neo-Churchillian tone has seemed justified. But after careful inquiry, I am convinced that the prospect of American humiliation and defeat during his Presidency really *is* intolerable to Richard Nixon, and that he really does mean what he says.

Mr. DOMINICK. Mr. President, I think it is time that these critics realize that this administration is trying its best to achieve peace in Vietnam just as soon as possible, but in order to accomplish that, it must be able to retain all of its options.

One such option is to make greater use of our air and sea technology. We can continue withdrawing our ground troops providing we use our airpower to cut off supplies to the enemy forces from North Vietnam. This would not involve accelerating the ground war, but would rather serve to reduce it.

While I am not advocating that it be one, another option that the administration has and should keep is the option to seal off Haiphong harbor to stop the flow of military supplies coming in there.

Our area of superiority in any landlocked place such as Southeast Asia lies with our airpower and our naval power. We do not have that kind of superiority in ground combat, and therefore must maintain our options to use our superior capabilities.

The fact that we have these options, whether we use them or not, is valuable for our side at the bargaining table. That is where we need all the cards in our hand, especially now that there seems to be more prospect for progress toward peace. As the President said in his news conference on September 26:

The United States has made a far-reaching and comprehensive peace offer, a peace offer which offers not only mutual withdrawal of forces, internationally guaranteed cease-fires, internationally supervised elections in which we will accept the results of those elections and the South Vietnamese will as well, even if it is a Communist government, and by making that offer we have reversed the whole tide of world public opinion.

Mr. President, I think it is time to demonstrate our unified desire for peace.

Mr. President, while we were engaged in this debate, I had delivered to my desk a copy of a proposed speech by the Senator from Utah (Mr. Moss). In the process of the speech he says that we are not going to work and that the combination of peace talks in Paris, Vietnamization of the battlefield, and cautious U.S. troop withdrawals is not working. He says it has not worked because the South Vietnamese Government has not broadened its base. In what way? What is he talking about? He is talking about bringing Communists into their government. This is the one thing we have been trying to prevent—at least, not to put them in unless it is done by free elections. This is something that the South Vietnamese have stated and that we ourselve have guaranteed. And yet we still hear nothing from North Vietnam in order to get moving on peace negotiations, in order to be able to do something about a breakthrough at Paris.

In order to be able to persuade the enemy that we have options other than unilateral withdrawal, I would recommend that we talk more about the other options that we have available to us, and less about the total and immediate unilateral withdrawal by us.

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

Mr. DOLE. I am glad to yield to my distinguished colleague from Kansas.

Mr. PEARSON. I thank my distinguished colleague. While I was necessarily in committee as the only member of the minority in the Commerce Committee, I had read the speech of my colleague with a great deal of interest and a great deal of pride. He has outlined, in a most succinct and persuasive way the President's position, particularly with regard to the May 14 speech, and then reiterated those points in a formal fashion in the resolution he has submitted today with so many cosponsors. I think he sets forth his purpose in a most simple form. He states in his speech that—

By passing this resolution, the Senate can make known to the government of North Vietnam and the National Liberation Front that this country is determined to negotiate a settlement in Vietnam.

Mr. President, to say I am unhappy and troubled by this war is only to reiterate what I believe most people in Kan-

sas feel, and it is manifested by the hopes and aspirations of my colleague from Kansas. It takes seconds to break a peace. It takes years to get that peace again. I think this is a commendable contribution to that cause. I again commend my colleague.

Mr. DOLE. Mr. President, I submit the resolution and ask unanimous consent that it be printed in the RECORD; and I also ask unanimous consent that the names of the sponsors and cosponsors be listed.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution and the names of the sponsors and cosponsors will be printed in the RECORD.

The resolution (S. Res. 271) relating to peace in Vietnam, was received, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. RES. 271

*Resolved*, That it is the sense of the Senate that the Government of North Vietnam and the National Liberation Front are urged to take promptly the following steps:

(1) Acknowledge that a just and mutually-agreed settlement is the best hope for a lasting peace;

(2) Show at the Paris peace talks the same flexibility and desire for compromise which the Allies have clearly demonstrated over the past year;

(3) Agree to direct negotiations between representatives of the National Liberation Front and of the Government of the Republic of Vietnam as proposed by the latter;

(4) Withdraw their insistence on Allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam before genuinely free elections could be held;

(5) Provide information on the status of U.S. Prisoners of War held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention.

*Further Resolved*, That it is the sense of the Senate that the United States must maintain its one fundamental goal in Vietnam of peace, with self-determination for the South Vietnamese people.

The names of cosponsors of Senate Resolution 271 ordered to be printed in the RECORD, are as follows:

The Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from North Carolina (Mr. ERVIN), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from Wyoming (Mr. MCGEE), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER).

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

Mr. DOLE. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I want to commend the distinguished Senator from Colorado and associate myself with his very timely and lucid remarks today.

In all matters dealing with the tragic war in Vietnam and the perplexing problems of national defense and national security, the distinguished Senator from Colorado has brought to our deliberations a voice of reason.

I remember it was not too long ago that he appeared on the Senate floor, at considerable risk to his health, to take part in one of the important debates on national security. That indicated in some measure his deep concern and his dedication to duty as a U.S. Senator.

I subscribe fully to what the distinguished Senator has said with regard to the need for support of President Nixon in his sincere and continuing efforts to secure peace in Vietnam.

I ask unanimous consent that two newspaper articles be printed at this point in the RECORD.

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

[From the Nashville (Tenn.) Banner, Oct. 8, 1969]

NIXON HAD NO PART IN CREATING SORRY MESS IN VIETNAM

Democratic senators, et al., tuning up with their national chairman for louder blasts at President Nixon's Vietnam policy, would have done well to have heeded instead the sage counsel of Majority Leader Mike Mansfield. By more than inference it was advice—inseparable from the opinion he expressed:

*"I think the President is doing everything he can, according to the best advice he can get, to get out of Vietnam. It is not a partisan issue. It is something we must all try to work toward a solution of, and I am hopeful it can be accomplished in the not too distant future."*

If such party colleagues as National Chairman Fred Harris, Sen. Edward M. Kennedy (Senate Whip), J. William Fulbright, et al., heard it, they gave no sign. By Harris' signal-calling, October is the big month for a frontal policy assault—with no holds barred. Characteristically they were talking when they should have been listening; and when they could have been examining for previous party shoals the cross-currents on which they were blithely embarking.

Republican Chairman Rogers C. B. Morton wound up and let them have it Tuesday squarely between the eyes. He recalled some facts about when, how, and by whom, the United States got involved militarily in that war. The quotes suffice, as a matter of record, with which the nation is acquainted:

"Democratic administrations committed over a half million U.S. troops to a war in Vietnam.

"It was Ted Kennedy who supported President Kennedy's escalation in Vietnam, and Fred Harris who supported Hubert Humphrey on Vietnam, and Hubert Humphrey who supported President Johnson's proposals.

"It is President Nixon who has ordered 60,000 out of Vietnam, and who has cut draft calls by 50,000."

Raucous voices in the Harris-Fulbright-Kennedy corner won't be restrained by any appeal to reason or statesmanship issued by the Senate Majority Leader, though Senator Mansfield could wish his party Whip would grow to a stature of judgment and maturity suited to that office. In the interest of a nation confronting a matter that transcends partisanship, he devoutly could wish that.

He counselled wisely, but has been ignored by these colleagues.

In the eyes of a nation that knows the score—and the record cited—hardly can they ignore the fact that they have been hit by their own boomerang of political mischief.

How did the United States get into that war?

In his "Editor's Notebook" column on Sept. 28, John S. Knight, head of the Knight Newspapers, published the significant background of that involvement:

"Some readers have questioned my statement that the late Ngo Dinh Diem, first president of South Vietnam, was 'largely an American creation, promoted by the late Francis Cardinal Spellman and financed by the Hon. Joseph P. Kennedy.'

"Former Sen. Wayne Morse of Oregon explains that 'it was Cardinal Spellman who arranged for a public relations firm to build up Diem as the Catholic puppet of South Vietnam, and that Diem's brother, the Catholic bishop of Saigon, beat a path to Spellman's door to promote the war'.

"Drew Pearson reported that Cardinal Spellman enlisted the support of Joseph P. Kennedy, a heavy contributor to Spellman's charities, to hire the Harold Oram public relations firm, at a fee of $3,000 a month, to represent Diem as 'the man who could save Vietnam.' The Cardinal helped organize 'the American friends of Vietnam' to promote Diem and American aid.

"Ironically, when Ngo Dinh Diem proved to be a liability to the Kennedy administration, he was assassinated in 1963 and without protest from the U.S. government.

"The unpopular Ngo Dinh Diem, noted for highhanded edicts enforced by corrupt subordinates, was once described by Lyndon Johnson as 'the Winston Churchill of Southeast Asia.'"

Subsequent to such a start of this thing, the late President John F. Kennedy committed the first 16,000 U.S. troops. And it might incidentally be recalled that it was then-Defense Secretary Robert Strange McNamara and his successor, Clark M. Clifford, who over so many years, conducted the war in a manner that denied to the military any victory which is the one essential of combat.

This is the sorry story of U.S. involvement in that stinking mess, for none of which can Richard Nixon or his administration bear the slightest blame.

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[From the Washington Star, Oct. 10, 1969]

CRITICS ASKING UNITED STATES TO SURRENDER

(By David Lawrence)

For the first time in American history, some members of Congress as well as a number of protesting groups are demanding that the United States run up the white flag and yield to the enemy in Vietnam after many American lives have been sacrificed for a great principle—to repel aggression and aid weaker nations to determine their own destiny.

No public opinion poll has directly asked the question whether the American people

favor surrender. The customary queries have been whether the war is being handled properly or if it should be brought to an end, without reference to how this could be achieved. The issue has not been clearly put to the people. If it were, undoubtedly Americans would reject any humiliating policy amounting to "peace at any price."

Resolutions are being offered in Congress and are being supported by various organizations which plan "demonstrations" in many cities on October 15 to insist that the United States make peace at once. Not a single one of these proposals requires as a condition any reciprocal action to be taken by the North Vietnamese. In Paris this week, both North Vietnam and the Viet Cong have deliberately ignored peace efforts made by the United States, and are offering no concessions whatsoever.

The forthcoming "Protest Day" in the United States—next Wednesday—is being hailed by the Communists as a sign that the American people are willing to surrender. Seventeen senators and 47 House members are supporting the projected "demonstrations."

The chief American delegate at Paris, Henry Cabot Lodge, has been pleading in vain for talks that would accomplish constructive purposes, but the opposing delegations at the Paris conference have been turning a deaf ear. The negotiators of the North Vietnamese government instead are placing of American opposition to the war. One of the Hanoi representatives say that support is snowballing in the United States in behalf of the Communists.

Almost every week some members of the Senate and the House call for a more and more rapid pullout of American forces by President Nixon, but not one of them imposes any condition on the enemy to take the action necessary to assure peace in South Vietnam. Timetables are being specified by senators for the withdrawal of the American troops, yet no stipulation is made that the enemy must also remove its military forces from South Vietnam.

Meanwhile, there is much talk about a "coalition government" being set up which could replace the present government in South Vietnam and make it easy for North Vietnam to move in and assume command. Secretary of Defense Melvin Laird recently stated President Nixon's policy as follows:

"We hold firmly to a single objective for Vietnam: permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese."

The advocates of peace at any cost would, in effect, allow the South Vietnamese government to be destroyed. Yet it has mobilized a large army, and what some members of Congress seem to be asking is that this force surrender to the enemy.

A Gallup Poll recently showed 52 percent approval when the question concerned "the way President Nixon is handling the situation in Vietnam." One wonders how much bigger the percentage would be if an answer were obtained on the following question:

"Do you want the United States to surrender in Vietnam, and thereby ignore the sacrifices that have been made by tens of thousands of troops of the United States and our allies who have been killed or wounded in an effort to protect the right of peoples to select their own form of government?"

All the so-called "antiwar" statements being made inside and outside of Congress are unquestionably encouraging the North Vietnamese and the Viet Cong to prolong the war. If this fact, which has been stated by high authorities, were to be reiterated and made plain to the American people, they would surely not support any resolution in Congress that could mean surrender. For to do so would tell the Soviets and the Red Chinese that America would no longer help countries to resist aggression whether in Asia, Europe or Latin America.

Mr. DOMINICK. Mr. President, I thank the Senator from Michigan for his kind remarks.

Mr. DOLE. Mr. President, before I yield the floor, I want to say that we have 34 cosponsors. I urge Senators who have not done so to join with me. Let me state simply that, as far as I am concerned, this resolution brings the entire matter into proper perspective, and when the Foreign Relations Committee has hearings on other resolutions, I trust it will consider this one.

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

Mr. DOLE. I yield.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator may have 2 additional minutes.

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

Mr. MUNDT. Mr. President, I congratulate the Senator from Kansas on his initiative in preparing this resolution, of which I am happy to be a cosponsor. It seems to me it should help bring this matter into perspective. Surely, if we are to have Foreign Relations Committee consideration of resolutions dealing with Vietnam, it seems to me the resolution of the Senator from Kansas and Senators supporting it are entitled to the same consideration.

As a member of the Foreign Relations Committee, I shall be happy to make sure that if the witnesses are available, or if the Senator from Kansas will supply them, or if Senators who have cosponsored the resolution want to be heard, they will be heard by the Foreign Relations Committee.

Mr. President, I ask unanimous consent to include at this point in the RECORD two recent news article from Joseph Alsop. He has had a whole series of articles in connection with Vietnam recently. I think it should be said of Mr. Alsop that he, more than any other American reporter, has extensively covered the terrain of Vietnam.

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

VIETNAMIZATION WORKING WELL BUT LIMITS MUST BE UNDERSTOOD

(By Joseph Alsop)

At this strange juncture, President Nixon is actually being denounced for saying that he does not wish to be the first American President to lose a war. Maybe, therefore, truthfulness is tactless.

Yet the hard, on-the-spot facts in Vietnam make it a duty to tell the plain truth, which is that the President can perhaps lose the war if he handles his "Vietnamization" program in the wrong way. It is a fine program, and it is working very well indeed, so far. But it has its own clear limits, and these must be understood.

This reporter had better confess at the outset that he went to Vietnam unhappily convinced that the U.S. troop withdrawals already made, in the name "Vietnamization", must certainly have caused heavy military setbacks. Happily, however, that pre-judgement turned out to be entirely erroneous.

No troop withdrawal, of course, can ever be a net plus until a war has been successfully ended. The now-withdrawn brigade of the 9th Infantry Division, for instance, that had been operating in Dinh Tuong province in the delta, had genuinely become superfluous in Dinh Tuong. But there were other provinces where this brigade of the 9th Infantry would surely have greatly accelerated the terrible erosion of the whole VC structure, which is now the key feature in Vietnam.

On the other hand, there is much more to be said for making the South Vietnamese feel they must carry the main burden on their own, without big brother to come to their aid at all times. And above all, the two troop withdrawals to date have not exceeded prudent limits.

If the President is not over-hasty, moreover, further very massive withdrawals of U.S. units in Vietnam will eventually become both safe and prudent. The test, in all cases, must be whether erosion of the local VC structure has finally reached the point of no return.

But there are also two big fakes in the announced theory of "Vietnamization", as distinguished from the practice to date. To begin with, it is faking to pretend that providing M–16 rifles has given the South Vietnamese army's divisions the same fighting power as American divisions.

Even with the aid of the U.S. helicopter companies left behind after Vietnamization, the ARVN divisions have far less mobility than the better U.S. divisions. They also have only about one-quarter of the mobile artillery support; for the other three-quarters of every ARVN division's artillery is tied down in fixed positions. This tied-down artillery in fact supports the territorial forces, rather than the division's regiments and battalions. That is the first fake.

The second fake, which is much more dangerous, lies in the fact that the enemy now has 233 maneuver battalions in South Vietnam, against only 168 ARVN maneuver battalions. The numbers are about even in the delta. But in the other corps areas, accordingly, the disproportion ranges from about five-to-three all the way up to nearly two-to-one. The disproportion, therefore, means that some (though not many) U.S. units will have to stick around until Hanoi ceases its massacre of the south.

Where Hanoi has two maneuver battalions against one ARVN battalion, after all, nothing on earth will prevent an eventual breakthrough by Hanoi's battalions. And the worst of it is that the President is obviously strongly tempted to leave ARVN to fight on these terms, in precisely the provinces where the situation is now most favorable.

Some key people in the administration, reportedly including the State Department leaders, are apparently arguing, in effect, that you cannot Vietnamize without accepting some setbacks. But these people plainly are unable to envision the kind of setback they are talking about.

In the provinces in question, the VC structure has been almost wholly uprooted from the populated areas. The people are living in peace for the first time in many years, with their own elected hamlet and local governments, under the sole protection of the little RF companies and PF platoons of the territorial forces. But let big enemy units once break through into these new areas of peace; and everything that has been built up will be smashed down for good.

It will be smashed down for good because the people have put their confidence in their government and the U.S. government; if they see the territorial forces and the elected hamlet and village governments massacred before their eyes, that confidence will never be restored again. So the other test of prudent American troop withdrawals until Hanoi ceases to invade the south is whether the

people who have given us their trust will still be adequately protected.

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HANOI'S INFILTRATION "DROP" REFLECTS MANPOWER LOSSES

(By Joseph Alsop)

Imagine the United States shipping off to a foreign war, in a single year, and with only a minimal chance of ever coming home again, all the able-bodied young men who reached draft age in 1965, 1966 and 1967!

It is something this country has never done, thank God, so it is pretty hard to imagine. Yet it is almost the exact equivalent of what Hanoi did in the year 1968, when the exports of North Vietnamese military manpower were enormously increased to sustain the Tet and subsequent offenses—all of which were military disasters.

To cite the underlying facts very briefly, North Vietnam, with its much smaller population than ours, is officially estimated to produce an annual "year-class" of about 125,000 able-bodied young men. Thus three year classes are 375,000 men.

Throughout 1968, North Vietnam's manpower exports to the war in the South (usually miscalled "infiltration") ran at the average rate of around 29,000 men per month. Thus that year's total export of manpower by Hanoi was just under 350,000 men, or hideously close to three entire year-classes, as stated above.

This is the essential context in which to judge all the current double-talk about "reduced infiltration," and peaceable "signals" from Hanoi, and so on and on. Any government that was not wholly inhuman and irrational, would be inclined to stop, look and listen after throwing almost three entire year-classes of its young men down the drain, to no good military purpose.

This is, in fact, what Hanoi has done this year. In the first six months of 1969, the North's manpower exports were cut back to around 10,000 men per month. Since then, they have been again cut back, so that they have recently been fluctuating between 3,500 and 4,000 men per month.

Hanoi's theory, justifying the cutbacks, was the famous reversion to "protracted war," waged by small units with low losses. This was advocated by the Chinese, and quite probably by Gen. Vo Nguyen Giap, at the time of the U.S. intervention in 1965. Unfortunately, for Hanoi, the theory of reversion to "protracted war," which might well have worked very well in 1965, seems to be working very badly indeed in 1969.

In the ways described in the last report in this space, the Vietcong structure in South Vietnam, Hanoi's most precious asset, is everywhere being eroded at a serious rate. In a few provinces and districts, this V.C. structure has in fact been just about destroyed already.

In all provinces, continuance of the present rate of erosion will leave the V.C. structure crippled, or even in danger of final collapse, by some time next spring. Yet the Vietcong structure in the South is, by definition, the essential, indispensable apparatus that Hanoi must depend upon to wage "protracted war." You can hardly carry on a guerrilla war without guerrillas.

There is a rather direct link, moreover, between the erosion of the V.C. structure and the reduced rate of North Vietnamese manpower exports. Because exports are so far down, the enemy's big units in South Vietnam are in general cruelly depleted. Battalions with no more strength than a reinforced company, regiments with no more strength than a reinforced battalion, have become all too common. No wonder, since so few replacements have been coming in!

Because the big units are so depleted, too, they are generally in refuge in remote base areas, or they have broken down into small groups of men with no mission except survival. Hence they are no longer performing one of their main functions. This is to take the brunt of the fighting, and thereby to give some protection to the V.C. structure.

Such, then, in simplest terms, is the problem that now faces Ho Chi Minh's quarreling heirs in Hanoi. If they do not greatly increase their manpower exports, the V.C. structure in the South will have no protection at all, and will continue to be eroded as at present. But if they do increase their manpower exports to mount another offensive effort, they are pretty sure to expend still another year-class—and once more to no purpose.

It is anyone's guess what Hanoi will do. There is only a single fragment of solid evidence to date: the return from North Vietnam of the 559 Transport Group, which used to be in the Ashau Valley. The 559 group has been heavily augmented, and has been sent down to Chepone, on the Laos trail.

This points to what can only be called another February-March spasm of effort by the North. But with any luck at all—unless President Nixon's troop withdrawals are overhasty—the new spasm should produce even fewer results than the spasm in February-March of this year. If so, Hanoi will again confront the same old dilemma after the spasm is over.

Mr. MUNDT. Mr. President, here we have the eyewitness report of a reporter who has talked with more people in Vietnam, covered more areas in Vietnam, and spent more time on the scene in Vietnam than any other American reporter. So it would appear that his observations should be relevant to this general discussion of Vietnam policy and should carry far more weight than the comments of editorial writers and commentators with far less personal experience in Vietnam, Mr. Alsop.

I am sure that most Democrats and most Americans were pleased to see the titular head of the Democratic Party reject the bugout policies of his party's national chairman last Friday.

I am sure our former colleague and the former Vice President, the Honorable Hubert Humphrey, spoke for the great majority in his party when he declared his support for the President of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD the questions from the press and the answers by Vice President Humphrey after he met with President Nixon Friday morning.

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

[A release from the office of the White House Press Secretary, Oct. 10, 1969]

THE WHITE HOUSE PRESS CONFERENCE WITH FORMER VICE PRESIDENT HUBERT HUMPHREY

Former Vice President HUMPHREY. The President knows that I have, along with himself, a deep concern over our situation in Southeast Asia. I think the President is proceeding along the right path. I had the privilege of discussing with him some of the things that he is doing and contemplating, and I thought it was mighty kind and thoughtful of him to ask me to come on in and just review the whole situation.

Q. Did you give him assurances of your public support if the Administration were to decide on a systematic withdrawal of all combat forces?

Former Vice President HUMPHREY. I think the President knows that I will support to the best of my ability a reduction in forces—"systematic" is a very important word—withdrawals. But I am not trying to outline the President's policy for him.

We only have one President at a time, and I think the worse thing that we can do is to try to undermine the efforts of the President. I do think he appreciates suggestions and ideas that we may present, and I took the liberty of presenting some.

Q. Do you have any concern that the debate over Vietnam may be getting too partisan?

Former Vice President HUMPHREY. I don't want it to be partisan. I hope it won't be. I am sure that all of us know that there are honest differences over Vietnam. There have been for a long time. It is nothing new. I don't think anybody can hush those differences, but I believe that we have to give the President time to carry out his proposals, to carry out his plan and his policies.

Q. Are you for the 60-day moratorium?

Former Vice President HUMPHREY. No. I don't believe the President has asked for that. The American people are not going to be hushed. What is important is that any suggestions we have be made in a constructive way and not in a destructive way.

I don't have anything more to say, gentlemen, except I think it was a very helpful and rewarding morning.

The PRESS. Thank you.

Mr. MUNDT. What a far cry they are from the cringing calls for surrender from a few in his party.

Regardless of political differences I may have with Mr. Humphrey, I have only respect for his decision to support our President.

When the bugout vote is counted, Hubert Humphrey, at least, will not be there.

Mr. DOLE. I thank the Senator from South Dakota, and I am pleased to hear his response with reference to calling of witnesses. I certainly hope there will be some there when this resolution is considered.

The facts are indisputable. There is a new direction to our Vietnamese policy.

If there is to be criticism for following past policies, for not changing, for being inflexible and unresponsive, let this criticism be directed at the North Vietnamese and the Vietcong.

They have not made reasonable suggestions. They have not made meaningful gestures. They have not expressed willingness to reach viable compromises.

Surely the critics see these facts. They are not blind or unintelligent. What then do they want? Is it tyranny in South Vietnam? Is it peace at any price? Or is it something more subtle? Perhaps a new national pastime has grown out of the experience of Lyndon Johnson.

Do not be mistaken. These techniques worked before, and they can work again, but I, for one, do not intend to sit quietly while these game-playing critics attempt to break our President with attacks which flagrantly ignore the facts.

Mr. STEVENS. Mr. President, I would like to take a few moments to speak in support of Senator DOLE'S resolution urging North Vietnam to demonstrate a desire and spirit of willingness to work for a settlement of the conflict in Vietnam.

It is time for North Vietnam and the NLF to acknowledge that a mutually agreed settlement is the best hope for a lasting peace. It is time for both sides to agree to direct negotiations between representatives of the NLF and the Government of the Republic of Vietnam. Now

is the time for all of us here to focus on the present administration's efforts to achieve peace, and to discuss what further steps can be taken.

In this spirit I urged all Alaskans to use October 15 as a day to make themselves aware of President Nixon's efforts for peace and recommended that city, borough, and village councils in my State meet on that day to discuss what further efforts can be made toward peace in Vietnam and throughout the world. I urged that Alaska's educational institutions permit students to hold discussions in their classes on how peace can be achieved and recommended that churches hold special services to pray for peace. The Governor of Alaska joined me in this effort.

The Nation has been divided regarding support for the Vietnam war—we cannot be divided in our support of efforts toward peace. It is only through peaceful means that we can reflect on the efforts that have been made and what more we must do to achieve peace.

Therefore, I hope that all 100 Senators will join in support of the Dole resolution and express their resolve that a lasting peace be reached in Vietnam.

Mr. GURNEY. Mr. President, I have joined with the Senator from Kansas (Mr. DOLE) in this resolution on the Vietnam war.

I commend Senator DOLE for his splendid leadership in sponsoring this resolution. His resolution puts the spotlight in that troubled area and in this unhappy war exactly where it belongs.

The cold, white glare of the searching beam of light should be on the Communist government of North Vietnam and its puppet in the south, the National Liberation Front, for they are the ones who are frustrating all efforts at peace. They are the ones who want the war to continue and who have no desire to stop the killing in South Vietnam. They have proved this intention beyond a scintilla of doubt by their words and deeds and actions.

President Nixon has made concrete proposals for bringing peace in Vietnam since coming to office.

President Nixon has proposed free elections in the south with Communist participation, supervised by an international commission. What fairer proposal could be made? But Hanoi has rejected this out of hand.

President Nixon has withdrawn substantial numbers of troops from Vietnam. He proposes to withdraw more as time goes on. Again the Communists, Hanoi, and the NLF have made no response whatever, except to insist that all American troops be withdrawn forthwith.

What if the President followed this course? First, it would amount to an abandonment of an ally to whom we had made a commitment. It would amount also to an abandonment of another ally in the same area, Thailand, for they are being pressed night and day by the same Communist aggressors. Second, and even more, it would unleash a blood bath in South Vietnam. For the Communists would rush in and murder, wholesale, all people in South Vietnam who have placed faith in and relied upon the United States.

Why do I predict this? The evidence is there in year after year of coldblooded murder by the NLF in South Vietnamese Government officials, teachers, and citizens.

President Nixon wants to end the war more than any one person in the United States. Not only first and foremost, because he is humane and wants to stop the killing of American soldiers as well as others and be able to get on with urgent other business of this Nation, but also because the whole future of his Presidency depends upon ending the war in Vietnam.

But he does not want to be the leader of this Nation who lost a war, who abandoned an ally, who knuckled under to Communist aggressions in this confrontation in Southeast Asia, which would certainly mean repercussions around the world and could well promote Communist mischief in many other places and spell trouble and possible engagement and disaster elsewhere.

While we are engaged in this debate, we should also take cognizance of the past history of this war.

In the first place, let us never forget that it was the Communists who began this war. They began the guerrilla warfare against South Vietnam. They began the murder. They began the sabotage.

The Communist troops of North Vietnam are the ones in the south. No allied troops are in the north—no South Vietnamese, no Americans, no South Koreans, no Thais, no Australians, no New Zealanders.

The Government of the United States under President Nixon and Lyndon Johnson has made so many overtures of peace that we have lost count of the number of times. Bombing halt after bombing halt was made my President Johnson. Each time, the Communists used these halts to resupply their troops and means to wage war and step up the fighting.

Peace emissaries, of the United States, time after time, have sought to get the message to the Communists that the Nation wanted peace. Always the response has been a deaf ear.

In short, all the evidence that we have is that the Communists do not want peace, except on one condition, a peace imposed by conquest of South Vietnam and its puppet NLF, upon South Vietnam. This means but one thing, that a Communist government rule in South Vietnam and one more free nation would fall to the determined advance of Communism at the expense of people who want to be free and rule their own destiny.

One last and most important point.

Why is it that these people who desire to end this war now, why is it that they never seem to aim criticism at Hanoi and its puppet, the NLF?

They constantly carp at and castigate the Thieu government, blaming it for all kinds of short comings and wrong intentions.

We never hear a word of criticism about Hanoi, the government that started the war, the government that continues the war, the government that has never indicated on a single occasion during all these long years of warfare, a desire to end the war to bring peace to southeast Asia.

If the voices in this Nation who are being heard so loudly these days, and have been heard so loudly in the past, heaping criticism on South Vietnam, and also President Johnson and now President Nixon for not ending the war. Voices could have been directed with equal sound and frequency against Hanoi and the NLF, in my view, the United States would be a lot closer to ending this war.

Senator DOLE's resolution which I have joined raises that direct point.

I hope our colleageus here in the Senate, as well as others, who want peace right now would also raise their most effective voices against Hanoi.

There is no question but that Hanoi listens to them and hears them loud and clear. Their equal criticism of Hanoi along with South Vietnam must bear some fruit.

Let us make this a two-way, instead of a one-way street.

Again, in closing may I commend my colleague from Kansas, Senator DOLE. He has performed a great service here today, in placing the blame for continuance of war in South Vietnam for the sabotage of peace efforts by President Nixon, exactly where it should be, on the doorstep of the Communists, Hanoi, and the NLF.

Mr. TOWER. Mr. President, several days ago the distinguished junior Senator from Iowa (Mr. HUGHES) submitted a resolution calling on the United States to issue a series of ultimatums to the South Vietnamese Government. He suggested the South Vietnamese be given 60 days to comply under the threat of a U.S. withdrawal.

On the surface, the junior Senator's resolution may have appeared to have merit.

Things, however, are not always as they appear on the surface.

I, for one, cannot understand why some Americans keep looking for excuses to pull out on their commitments, to bug out on their allies, because, in truth, that resolution and most of the other recently offered resolutions on Vietnam have been bugout resolutions.

I believe the resolution offered by the junior Senator from Iowa would only improve the position of the enemy during the 60-day period and then call for a humiliating and complete withdrawal from our commitments.

To call on a nation to give up even minimum censorship requirements in wartime is to ask it to telegraph its punches to the enemy.

To ask it to release its political prisoners in wartime is to ask it to agree to lay itself open on yet another front.

I believe Hanoi should be called upon to become more democratic, more free, and more humane, with the warning that if this does not happen in 60 days, the United States will consider military options available to it which would encourage Hanoi to seriously seek peace.

Mr. President, after all the surrender

resolutions of recent weeks, I am most pleased to see the resolution submitted earlier today by the junior Senator from Kansas (Mr. DOLE). I commend him for his efforts and I support his resolution wholeheartedly.

Mr. THURMOND. Mr. President, it is a pleasure for me to cosponsor the resolution on the Vietnam war which was introduced by the distinguished Senator from Kansas. Senator DOLE has not been here very long, but he has already made an outstanding contribution toward the achievement of our Nation's goals. His resolution on the war reflects wisdom and understanding of our Nation's security. I value his counsel, and I strongly endorse his resolution.

Mr. President, the Senate passage of this resolution will reaffirm our Nation's firm desire for peace. We have clearly demonstrated our willingness to negotiate for an honorable peace. It is time for Hanoi to respond to our initiatives. Passage of this resolution should convince North Vietnam that this distinguished body stands behind President Nixon in negotiating a lasting peace.

Mr. President, I also am pleased that the distinguished Senator from Kansas has included a demand to Hanoi to provide humane treatment of our men who are prisoners of war. I know our Nation is united on this point in the resolution.

Mr. President, approval of this resolution by the Senate will go a long way in contributing to unity in this country which we need so much today. I recommend my colleagues give this support to our President.

Mr. MILLER. Mr. President, in recent days, several resolutions have been introduced advising President Nixon on what he should do in the Vietnam war. They range from setting a specific timetable for withdrawal to a demand that South Vietnam abolish its present government and create a temporary coalition government; otherwise, we will pull out. All, while well intentioned and well meaning, serve only to harden the position of Hanoi and delude it into thinking that if it holds out long enough, it will get everything it wants without the need for reciprocal action; that its aggression will finally pay off. It would seem to me that there is a need for the Senate to spell out in no uncertain terms what we expect from Hanoi, to demonstrate and point out in unequival terms that it is time for our enemy to demonstrate a genuine desire for peace. We see little evidence—in fact, no evidence, that Hanoi is willing to concede anything. In fact, two reports indicate a hardening of attitude;

First. North Vietnamese reaction to our pressing for details on our prisoners of war is—as the Washington Post reported on October 10—"A veiled suggestion that prisoners' families might now have to participate in the antiwar campaign at home before Hanoi would inform them about the prisoners' status."

Second. North Vietnamese reaction to establishment of a provisional coalition government in South Vietnam appears now to exclude anyone who supports the present Saigon government and of former South Vietnamese soldiers, if a report in the New York Times of October 10 is accepted. If this is accurate—and I think it is—it would make a mockery of any proposal to abolish the present Saigon government and replace it with a coalition government. It is apparent that Hanoi demands nothing less than a provisional government in its own image. It is time that American public opinion be mustered behind the phased withdrawal policy of President Nixon, a policy which provides the opportunity for the South Vietnamese to be trained to protect themselves when we are out of South Vietnam—hopefully, by the end of 1970. It does not do any good to say that we had the opportunity for 5 years to train the South Vietnamese so they could stand alone and take over this task. That goal was only partially achieved. President Nixon cannot be blamed for what occurred or was done or not done prior to January 20 of this year. But since January 20 he and his administration have been moving to lessen and ultimately end the American casualties and our combat involvement in South Vietnam. He and his administration have made the "Vietnamization" of the war a No. 1 priority. And there are favorable indications that the South Vietnamese will be in a position to take over all combat efforts by the end of 1970—unless, the North Vietnamese invaders seek to mount another major offensive.

Do those who suggest a specific timetable—60 days hence or 100 days hence—really believe this would break the impasse blocking the peace negotiations?

In the entire course of human conflict and negotiation has there ever been a time when one side announced beforehand precisely when it was going to withdraw without any reciprocity by the other side? This cannot be called negotiation. It is another name for surrender.

What do those who advocate such a course think will happen if the President announces a specific timetable for withdrawal?

Do they think Hanoi will stop killing American boys?

Do they think that Hanoi's negotiators are going to suddenly become paragons of reasons and good will toward men?

Do they think Hanoi is going to have a change of heart when it discovers it can ride to domination on the vehicle of the good intentions set up by a specific timetable?

Suppose that President Nixon followed this advice and ordered an immediate and unilateral U.S. troop withdrawal? Would those who advocate such a course be counted on the side of the President if North Vietnam then overran South Vietnam and unleashed a blood bath in which thousands upon thousands of persons friendly to Saigon were massacred? Or would they blame the President and use such a tragedy as a political weapon? Are those who advocate unilateral withdrawal willing to take the consequences if this should occur?

I am not putting up a strawman or a red herring, because the past actions of the North Vietnam and the Vietcong speak for themselves—in the thousands ruthlessly murdered or buried alive in the trench graves when Hanoi's troops controlled Hue, and in the thousands upon thousands—some estimates place them in excess of 50,000—massacred after the French pulled out of Vietnam in the 1950's. If the advocates of such a unilateral and immediate withdrawal are willing to share the responsibility of what could happen, so be it. But if they are not, then they should be willing to support the President on his phased withdrawal, which offers the promise of South Vietnam being able to prevent such tragic occurrences.

Hope for peace is not mechanical, step-by-step walk away from responsibility that a specific timetable would inevitably become. Hope is humane. Hope does not set up inflexible schedules. Hope does not make American soldiers the unwilling victims of an enemy who, if they knew in advance when and how we were to withdraw, would try to kill as many of our men as they could while they waited to go home.

Do these advocates of unilateral, immediate withdrawal wish to talk of morality? Then I suggest it is immoral by any standard known to Western man to suggest that such a course would be "honorable."

Do such advocates talk of rationality? Then I say it is irrational to suggest that this conflict will be honorably ended by some mechanistic, lock-step, unthinking, uncaring timetable.

Do they talk of national interest? Then I say nothing we do at home, nothing we build, no school, no hospital, no program to feed the hungry, clothe the naked, and comfort the afflicted will save this Nation if we end this conflict in any other way than with honor, and that means a reasonable guarantee that the people of South Vietnam will be free to choose their own government and determine their own future, free from outside aggression.

The President of the United States wishes as much as anyone to turn the great and powerful forces of creativity to our domestic problems.

To be involved in any war is a profound tragedy: But to unilaterally pull out, leave after all we have done, just to get out, with no commitment on the part of the aggressors to stop their aggression, and without giving our new President a fair chance to carry out his plans, would be worse.

So I would suggest that this is the time for us to back the President—and to let Hanoi know that we do so. We should insist upon some sign from Hanoi that it wants peace as much as we do. The determination of the American people can be expressed through adoption of the resolution which Senator DOLE, along with myself and others, have introduced today, expressing the sense of the Senate that meaningful specified measures should be taken by the Government of North Vietnam to demonstrate a genuine desire for peace.

David Broder, the Washington Post's increasingly perceptive political writer, wrote a column which appeared in the October 7 issue of the Washington Post,

"The Breaking of the President," one which, I believe, ties in with our resolution.

I would like to quote a section of it:

It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like and discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used . . .

Mr. Broder then makes this indisputable point:

But when you have broken the President, you have broken the one man who can negotiate the peace.

And he adds:

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

These are powerful and timely considerations for every American to ponder.

On this same general subject, I would now like to pose several questions relating to the Americans held prisoners of war by North Vietnam. I offer them in the context of the year 1957 when North Vietnam and 119 other nations signed the Geneva Conventions pertaining to the treatment of such prisoners:

First. Has Hanoi released the names of those Americans held prisoners?

Second. Has Hanoi permitted neutral inspection of its prisons and the treatment of its prisoners?

Third. Has Hanoi released the sick and wounded?

Fourth. Has Hanoi permitted the exchange of letters and packages?

Fifth. Has Hanoi protected the American prisoners from public abuse?

The answer to each of these questions, of course, is "no."

In the meantime, thousands of relatives of these prisoners suffer in a "limbo of anguish," a term used by Air Force Magazine editor Louis R. Stockstill to describe this tragedy.

This deplorable situation cannot and should not be overlooked in our desparate search for peace. If Hanoi were able truthfully to answer "yes" to those questions, then perhaps public opinion in this country would be convinced that Hanoi wants peace also.

All of us await a genuine response from North Vietnam.

I ask unanimous consent that the article, entitled "The Forgotten Americans of the Vietnam War," which was published in the October issue of Air Force Magazine be printed in the RECORD.

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

PRISONERS OF WAR—THE FORGOTTEN AMERICANS OF THE VIETNAM WAR

(By Louis R. Stockstill)

(EDITOR'S NOTE.—On the following pages you will find one of the most important articles ever published in this magazine. Telling you this may seem redundant. If an article is unimportant, we should not be publishing it at all. At the same time, we have always acknowledged to ourselves that not all readers are interested in everything we print. Our job is to supply a balanced buffet table—not intravenous feeding.

(But the matter of our American servicemen who have sacrificed their freedom, their health, and the peace of mind of themselves and their families in behalf of freedom for others—this is a matter that concerns us all. By the hundreds, these men languish in North Vietnam prisons and in Viet Cong jungle camps—unprotected by the Geneva Conventions which are supposed to guard the rights and persons of all prisoners of war. That the bulk of these American prisoners are airmen brings their plight a little closer to us, perhaps. That others have lost life and limb in the same cause is even more saddening. But death and wounds are irretrievable, and all we can do is to make suitable provision for the wounded and the survivors of the dead. The prisoners, on the other hand, are alive and are retrievable. We can do something about them. We must.

(The author, who has done such a thorough and painstaking job, served for many years on the staff of The Journal of the Armed Forces, ultimately as its Editor. Lou Stockstill has devoted his professional life to the examination and explanation of the problems of the armed forces of the United States. He is now a freelance writer in Washington. This article represents, in our judgment, the finest effort of his distinguished career. It explains the POW problem better, and in more detail, than anything published to date. It includes some concrete suggestions as to what you can do to help.

(Read it, and let your conscience be your guide.)

Once a month, from her living room high up in an Arlington, Va., apartment building, removed from most brutalities of life except her own thoughts, Gloria Netherand walks a long hallway to the mail chute and deposits a letter.

She watches it drop from sight on the first leg of a journey into an unknown void halfway around the world. The letter begins "Dear Dutch." But whether Dutch will read it, or someone else will read it, or whether it will go unopened is impossible to say.

Gloria and Dutch have been married eighteen years, but she doesn't know—hasn't known for a long time now—if he is alive or dead. And if alive, she doesn't know where he is or how he is.

For more than two years she has written the monthly letters—limited to six lines each, according to current Communist rules. None are answered; none are returned.

But, in the pattern of "dreadful uncertainty" that characterizes her daily life, she never fails to write.

"I realize," she says, "that there is just a fifty-fifty chance he is alive, but I feel that I cannot afford to let anything go undone."

Capt. Roger M. Netherland, USN, who was shot down over North Vietnam in May 1967, is one of the senior US pilots missing in the Vietnam War. Flyers reconnoitering the site where his burning plane plunged to the ground believe they heard his voice. But no word has come through since.

"When you are married to a flyer," Gloria Netherland says, "you learn to live with potential disaster. But you expect it to be black and white, not like this. I can't think of him as being gone, but it is very difficult for me to think of him as a prisoner."

She says, "The worst day for me was not the day they came to tell me he had been shot down. The worst day was the day his clothes and books and personal things came back. To have to unpack a man's life is not an easy experience.

"And if he is gone, I will have to do it all again. There will be another complete healing period to go through."

Gloria Netherland is but one of hundreds of wives and parents who live on an emotional roller coaster of grief, hope, faith, anxiety, and raw courage. For some, the waiting has lasted more than five years.

Their husbands and sons are the forgotten men of the Vietnam War—approximately 1,400 men captured by the enemy or missing and possibly in enemy hands. Most of the known captives are imprisoned in North Vietnam, others by the Viet Cong in the jungles of the South. A few are interned in Laos and Red China. Files of 981 men have been stamped with the heart-wrenching legend "MIA"—missing in action.

Some 3,000 "next of kin"—wives, children, and parents—in every state now endure what one calls "this limbo of anguish."

The other side has revealed tragically little about these "casualties" of the war. North Vietnam and the Viet Cong, defying international agreements and basic codes of humanitarianism and decency, have consistently refused to discuss the whereabouts of the missing men. Similarly, they have dribbled out only limited and distorted information about selected prisoners in infrequent propaganda movies tailored to their own purposes, often peddling doctored film to foreign outlets. Many wives quite rightly believe that "our husbands are being sold for so much propaganda."

On the shoddy pretext that US captives are not prisoners of war but "criminals," North Vietnam will not allow neutral inspections of its prisons. Yet such inspections are required under the Geneva Conventions, signed by North Vietnam in 1957 and by 119 other governments.

Using the "criminal" charge to mask its defiance, Hanoi not only has rejected inspection of its camps. but has refused to:

Identify the prisoners it holds;

Release the sick and wounded;

Allow proper flow of letters and packages; or

Protect US prisoners from public abuse.

The Viet Cong and Communist forces in Laos have followed Hanoi's lead by imposing an even more rigid blackout.

The curtain of secrecy the enemy has thrown around the prisoners and missing men has, until recently, been duplicated to some extent by the US government. But this is now changing. A brighter spotlight has been turned on the problem. The change has been wrought by the Nixon Administration. The United States government has now opened up some of its previously closed files of information on the imprisoned and missing men. New initiatives and a tougher approach are the order of the day. Further steps may be in prospect.

NEW HOPE FOR POWS

For the first time, Administration officials are waging an open fight for the prisoners. The diplomatic maneuverings which shielded many aspects of the problem from public view during the Johnson Administration—although perhaps rightly so for that time—have now been partially cast aside. The United States is speaking out.

Two of President Nixon's top Cabinet officers have embarked on a strong public offensive in which they stress concern for, as well as facts and figures about, the treatment of the US prisoners and missing men.

"I don't understand how the North Vietnamese can be so lacking in humanity that they won't even give us the names of the prisoners they have," declares Secretary of

State William P. Rogers. "All they have done is to be more intransigent, more unreasonable, and more inhumane."

Secretary of Defense Melvin R. Laird says there is "clear evidence that US prisoners are not being treated humanely," and that conditions in the prison camps are "shocking."

Yet, in order for the tough and forthright new policies to produce desired results, citizens must join the attack. Their assistance could be crucial. Many citizens may never have asked themselves how, or if, they can help. Many still may not be aware of the full story of our forgotten men.

Here then are the sobering facts about the prisoners and the missing, the details of the obscure existence they live, the way they are used and abused by Hanoi. And here, too, is an account of what the US is doing to aid the men and their families, and suggestions as to how you might lend a hand:

Of the known prisoners—the 401 the armed forces have been able to positively identify as captured—192 are Air Force, 140 are Navy, forty-six are Army men, and twenty-three are Marine Corps personnel.

Nearly 1,000 others are missing in action and thought to be captives. The largest number missing from any single service is 516 from the Air Force. More than 260 are missing in the Army, more than 100 in the Navy, and ninety-four in the Marine Corps.

The prisoners and missing men range in rank from private to colonel, or Navy captain. They include such men as Col. Robinson Risner, of Oklahoma City, one of the top AF pilots, and Navy Lt. Cmdr. J. S. McCain, III, son of the US Commander in Chief, Pacific, Adm. J. S. McCain, Jr.

Several of the known prisoners have now been behind bars more than five years. More than 200 have been imprisoned or missing for more than three and one-half years, more than 500 for over two years.

Some military intelligence the United States has gleaned about these men must be kept secret or couched in guarded language to protect the prisoners.

Nevertheless, accounts of torture and inhumane treatment have emerged. The widely publicized story of the capture, escape, evasion, and rescue of Navy Lt. (j.g.) Dieter Dengler in 1966 presented stark examples. Captured by the Pathet Lao but eventually turned over to North Vietnamese soldiers, Dengler was spread-eagled by his captors and at night left to the mercy of jungle insects, tied to a tree for harassment target practice, repeatedly beaten with fists and sticks (once into unconsciousness) for refusing to sign a statement condemning the US, and tied behind a water buffalo and dragged through the bush. The once 180-pound flyer weighed ninety-eight pounds following his escape and rescue.

STORIES OF MALTREATMENT

Other escaped prisoners have told of similar maltreatment in Pathet Lao and Viet Cong jungle camps.

Most recent evidence about those imprisoned in North Vietnam discloses that many have been tortured by being deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected scars, and burned with cigarettes. At least one had his fingernails ripped from his hands. The broken bones of another, set by Communist doctors and still in a cast were rebroken by guards.

It is difficult to know how typical these examples may be. But, regardless of the continuing secrecy in certain areas, substantial information is available on some prisons and the basic treatment of some prisoners. Portions of the record are cloaked in "it is believed" language, some is official hard fact, and some has come from those foreign news sources Hanoi has permitted to peek into selected prison keyholes.

Prisoner treatment, of course, varies, and often the enemy attempts to camouflage the worst conditions. With that in mind, consider these details about three types of prisons—a jungle camp operated by the Communist Pathet Lao; a Viet Cong jungle camp; and a North Vietnamese institution known euphemistically as the "Hanoi Hilton."

The Pathet Lao camp is a bamboo stockade of primitive thatched huts. Prisoners are fed twice a day, mostly rice but with occasional supplemental foodstuffs. Many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed outside to empty toilet pails, prisoners are confined inside the huts, often locked in crude wooden foot blocks or handcuffs. Barbaric treatment, including beatings is not unique. Prisoners are forced to listen to Radio Hanoi.

The Viet Cong prison or jungle camp houses fewer than a dozen men. The prisoners are fed three times a day, again mostly rice, supplemented by some meat, fish, or vegetables. They are supplied with soap and toothpaste, fifth-rate medical treatment, pills thought to be antimalarial, and even occasional vitamin injections for those in most obvious need. Between meals, prisoners are allowed to smoke, exercise, or just sit. About once a month, they are furnished news of the outside world. They have been told, for example, of the assassinations of Dr. Martin Luther King and Sen. Robert F. Kennedy, of the release of the *Pueblo* crew and the election of President Nixon. They are allowed to write occasional letters, but have no way of knowing the effort is futile. No letters have ever arrived in the US from prisoners held by the VC. To maintain the pretense of a mail-exchange, however, at least one prisoner in this camp was permitted to receive two letters over a ten-month period.

DAILY ROUTINE IN HANOI

In the North Vietnam prison camp (in central Hanoi), daily routine is more formalized. Prisoners are awakened between 5:00 and 6:00 in the morning by a gong, followed by a thirty-minute Radio Hanoi (English language) broadcast piped into their cells. At mid-morning they are taken out to empty toilet buckets. About 11:00 a.m., seventeen to nineteen hours after they last ate, they are fed the first of two daily meals. Food consists mainly of pumpkin or squash, pork fat, a vegetable resembling wild onion tops, and bread or rice.

One former prisoner said, "The main diet is based around bread, and during the summer we got a squash soup and pig fat." Prisoners receive three daily cigarettes and sometimes, possibly for propaganda purposes, have been given sweets. (Propaganda films staged by Hanoi have shown tables laden with food, including mounds of fresh pineapple and bananas. But no one was eating.) After the morning meal—picked up on a wooden tray and eaten in their individual cells—prisoners are allowed to "nap" on their bare-board bunks until 2:00 in the afternoon, when their cells are flooded with another half-hour Radio Hanoi broadcast. Between 4:00 and 6:00 p.m., they are fed the second and final meal of the day. The day ends around 9:00 p.m.

Each prisoner is provided with two sets of pajama-like clothing, two blankets, and toilet articles. Each is allowed to shave twice a week and wash his clothing once a week.

CONSTANT INDOCTRINATION

Brainwashing efforts do not follow the hard-line techniques employed during the Korean conflict, but prisoners are subjected to constant lower-key indoctrination. Not only does Radio Hanoi bombard their cells with slanted news and propaganda a full hour out of each day, but prisoners also are furnished with Communist propaganda periodicals and are lectured on the "history" of Vietnam and the provisions of the 1954 Geneva Accords as conveniently interpreted by their captors. Sometimes men reportedly are taken from the prison to visit state institutions where they can "learn" more about North Vietnam's "culture."

Attempts also are made to induce them to write or record statements expressing sympathy with the North Vietnamese cause and condemning U.S. involvement in the war.

Within the confines of the prison, the captives generally are isolated from contact or communication with more than one or two other prisoners who may share the same cell. Many men are kept in solitary confinement. As they are moved around in the prison to pick up food, empty toilet buckets, wash, etc., they are carefully shepherded so that one prisoner or group of prisoners seldom encounters another.

At infrequent intervals, certain prisoners have been allowed to write to their families, although few letters ever reach home.

That the prisoners are allowed to write at all, and that they are accorded other elemental amenities, may likely be because the so-called "Hanoi Hilton" is anything but typical.

PROPAGANDA SHOWPLACE

U.S. officials, with reasonable suspicion, regard the "Hanoi Hilton" as a propaganda showplace. While foreign newsmen have "seen" prisoners, who have been transported to a central location for that express purpose from at least eight other camps, the "Hilton" is the lone place outsiders have been allowed to enter. And it is the only prison from which U.S. prisoners have ever been released. Obviously, the open-door policy at only one prison creates real doubt that the North Vietnamese can afford to let the world, and in particular the neutral nations, see the conditions that prevail elsewhere.

No prisoner has ever escaped from the prisons of North Vietnam. Those who have managed to struggle back to freedom from the VC jungle camps add up to fewer than two dozen (the specific number is classified). And the Communists have been extremely callous when it comes to returning American prisoners. To date only a handful has been set free. Sixteen have been released by the Viet Cong, nine by Hanoi.

Procedures followed by Hanoi in releasing prisoners are particularly meaningful since North Vietnam has been the bellwether in establishing what might be regarded as over-all policy guidance in the treatment of prisoners elsewhere. And it is in North Vietnam that the greatest number of men are believed to be imprisoned. Of the more than 1,400 captured and missing, nearly 800 (mostly pilots) were downed over North Vietnam. The Defense Department believes "a substantial percentage of the missing" may be prisoners.

POW RELEASES FOLLOW PATTERN

All the prisoner releases by Hanoi—two last year and one this August—have followed a similarly disturbing pattern. First, they have been but token gestures, letting just three men out at a time. Second, they have been accompanied by blatant propaganda announcements in the guise of either "humanitarianism" or "good will," or coupled with some "special" day. Third, the names of the men to be freed are withheld for periods of more than a month, thus creating untold agony for thousands of hopeful next of kin. Fourth, releases are carried out through dissident US intermediaries instead of the International Committee of the Red Cross, the traditional go-between in matters affecting war prisoners.

As a condition of each of the three prisoner releases, Hanoi has insisted that US pacifist groups be sent to North Vietnam to take custody of the prisoners and accompany them out of the country.

After a protracted wait, the identities of the prisoners are presented to the world in a staged ceremony. Finally, they are allowed to depart for home with their pacifist coun-

trymen, who are merely used by Hanoi in a grossly overt effort to foment further unrest among American citizens and abet militant critics abroad.

The first two prisoner releases took place last year. Three men were released in February, three more in July. All six were "short termers"—that is, men who had been held prisoner for relatively brief periods of time.

The February 1968 group consisted of two Air Force officers, Lt. Col. Norris M. Overly and Capt. John D. Black, and twenty-three-year-old Navy Lt. (j.g.) David P. Matheny. None had been in captivity as much as six months. Lieutenant Matheny had been captured only four months earlier.

The three prisoners released in July 1968 were all Air Force officers: Maj. James F. Low and Capt. Joseph V. Carpenter, imprisoned for seven and six months, respectively, and Maj. Fred N. Thompson, captured less than four months before.

The man designated by Hanoi as the principal go-between for the releases is a fifty-four-year-old pacifist named David Dellinger. Chairman of an organization known as the National Mobilization Committee to End the War in Vietnam, he has traveled frequently to Communist bloc nations and to North Vietnam. Currently, he is under indictment on charges of conspiring to incite a riot in Chicago during last year's Democratic Convention.

As the main contact in the prisoner releases, Dellinger, in turn, has named other US pacificists to act as "escorts" in bringing the prisoners out of Hanoi.

THREE RELEASED IN AUGUST

The most recent release—three men, again—came in August of this year and illustrates how completely Hanoi milks the prisoner situation for its own purposes. However, it marked a minor breakthrough of sorts. For the first time, North Vietnam released prisoners who had been held captive for fifteen to twenty-eight months.

The new policies of the Nixon Administration may have had something to do with the release of the longer-term prisoners. Publicity about two of the men had been widely aired by DoD several months earlier.

Like the two preceding releases, the third also was carried out under the banner of David Dellinger. On this occasion, he designated a somewhat ragtag escort group. The group was substantially larger than any previously dispatched. There were four escorts. They took along three cameramen.

Leader and spokesman was Rennard C. Davis, twenty-nine, National Coordinator of Dellinger's National Mobilization Committee. A member of Students for a Democratic Society, Davis is also under indictment on charges growing out of the Chicago riots. He had to obtain a court ruling in order to leave the country.

With Davis in the escort group were Linda Sue Evans, twenty-two, an SDS regional organizer; Grace Paley, forty-six, a member of antiwar and antidraft organizations; and James Johnson, twenty-three, Negro, former GI who served a stockade term for refusing to fight in Vietnam. The three cameramen, from an underground movie-making outfit, were identified as Robert Kramer, thirty-six, an SDS member during a stint at Columbia University; Norman Fruchter, thirty-two; and John B. Douglas, thirty-one.

TEAM FLEW TO HANOI

The seven-member team flew to Hanoi in mid-July, about two weeks after North Vietnam announced plans to release the prisoners. For the next couple of weeks they received Hanoi's "grand tour," were escorted on a 500-mile trip into the DMZ, met with the Prime Minister, and were ultimately entertained at a farewell party well-oiled with rice liquor and propaganda.

At the farewell ceremony, according to details churned out by the North Vietnam News Agency (VNA), the prisoners were "handed over . . . to the American antiwar delegation" with a Madame Bui Thi Cam denouncing the "monstrous crimes" perpetrated by the "US imperialists" who had destroyed towns and crops and "massacred . . . women, children, and old folk."

She said US pilots "caught in the act of committing grave crimes" are not entitled to the protection of the Geneva Conventions, but are, nevertheless, treated "in accordance with the humanitarian policy of the government."

James Johnson, accepting the prisoners "on behalf of the American antiwar delegation," said, "We know, as these pilots must know, that all over the world the United States has been branded an outlaw nation." His statement, running some 500 words, might almost have been written by Hanoi.

The North Vietnam News Agency said, "The three released American military men then took turns in expressing, each in his own [way], their deep gratitude to the Vietnamese People, the DRVN government, and the Vietnam People's Army, for this humanitarian act as well as for the humane treatment all of them had received throughout the period of their detention."

The names of the prisoners were revealed. Two were Navy men: Lt. Robert F. Frishman, captured twenty-one months earlier, and Seaman Douglas B. Hegdahl, imprisoned for two years and four months. The third was Air Force Capt. Wesley L. Rumble, held for fifteen months.

The prisoners and their escorts left Hanoi on August 5. Arriving in Vientiane, Laos, that night, they were seen for the first time by US newsmen. They were described as "pale and gaunt," clad in "dungarees and sandals."

The press accounts noted that Frishman, acting as spokesman for the prisoners, selected his words "carefully." He said only that he was happy "to be returning home, to be back with my country and my wife."

There then followed a question-and-answer session. Here are revealing excerpts from Frishman's interrogation by the newsmen:

Q. How was the treatment you received . . .?

A. I received adequate food, clothing, and housing.

Q. Would you describe it as humane treatment?

A. Sir, I believe I have answered that question.

Q. Did they make any attempt to indoctrinate you or brainwash you in any way?

A. I have no comment.

Q. Was their treatment better at all when they decided you were going to be released?

A. As I say, my treatment has been adequate.

Q. Are you concerned that other prisoners might be harmed by something you might say here?

A. Yes. I in no way want to jeopardize any of the other people who have been . . .

The sentence trailed off.

When the prisoners arrived in Bangkok the following day, Frishman was quoted as saying. "It's great to be back." Nothing more. At some point during the return journey, Frishman had indicated the desire of all three men to be furnished with military clothing. "We left in uniform," he said. "We intend to return in uniform." The clothing was rushed to Frankfurt, last stop before New York.

ARRIVAL IN NEW YORK

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance on the hot, noisy flight line was deeply saddening.

When the general passengers and the pacifist escorts had disembarked, the families of the prisoners were allowed to board the plane for a brief reunion away from the eyes of the curious. Twenty minutes later, the men and their families began emerging.

There was no brass band, no flags, no clamoring throng to welcome them. Only a cluster of newsmen, cameras, government representatives, police, and a small crowd of onlookers.

Lieutenant Frishman, followed closely by Seaman Hegdahl, was first off the plane. Both wore their new uniforms, the Navy blue contrasting starkly with their drawn, pallid faces. Captain Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men and their families were led to a small platform, barren but for a gaggle of intertwined microphones. Uncertainly at first, and then with alert precision they returned the salute of Air Force Col. Milt Kegley standing nearby.

They were ashen in color. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. They smiled, but somehow their smiles seemed macabre; not forced, but not exactly real; joyful surely, but with an underlying tautness; perhaps nearer to tears than laughter.

Lieutenant Frishman once again spoke for all three men, repeating what by now had become his stock statement. They were happy to be home, they had received "adequate food, clothing, and housing" from their captors.

He, himself, had been seriously wounded. The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said.

THE ARM WAS WASTED

It hung at his side, the loose sleeve of his jacket emphasizing that the arm was wasted, thin, far shorter than the other. When the suggestion had been made to him earlier that, "They'll fix it better at home," he replied, "Oh, no. They won't. It's impossible now."

Now, as he extolled the "adequate" treatment he and the others had received, and praised the North Vietnamese for saving his arm, Frishman voiced the "hope that there will be some more releases."

At his side, Douglas Hegdahl, once a robust heavyweight, continued to smile, his face almost skeletal. A reporter asked how much weight he had lost. He had "no comment."

But then Frishman addressed the microphones. "I lost forty-five pounds; Seaman Hegdahl lost sixty pounds," he said. It was the first detailed confirmation of their deprivations.

A newsman asked Frishman why the North Vietnamese had selected him for release in preference to some other prisoner.

"I am sure they released me for some reason . . . this reason I do not know," he said.

What about the welfare of other prisoners still held by Hanoi?

"No comment," Lieutenant Frishman said.

PRESS SESSION QUICKLY ENDED

The session with the press was over quickly, the final questions muffled in the roar of a nearby jet. The men were tired; they had been traveling for thirty-six hours.

"I want to be with my wife now," Lieutenant Frishman said. He placed his good arm around her. The prisoners and their families moved off the platform.

As Frishman turned, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, and his chin were sharply drawn, haggard. So were Hegdahl's.

If the two men had been well-treated, there

was nothing in their appearance to verify it. The almost corpse-like pallor of their skin, tightly stretched, almost translucent, mutely testified to long seclusion from the sunlight.

The men and their families moved to waiting transportation for the short trip to the medical-evacuation plane and the final leg of their journey to military hospitals. I turned with the other newsmen to walk back into the International Arrivals building for the meeting with the pacifist escorts.

We waited for an hour in a small, stuffy room intensely illuminated by bright klieg lights.

Finally, the pacifists straggled in, having been delayed in customs. The four escorts and the three cameramen gathered on a platform at one end of the room. By any standards, they were unprepossessing in appearance.

The leader and spokesman, Rennie Davis, was the most presentable, dressed in neat trousers and shirt, hair slightly long but combed and parted.

Peering from time to time at notes reclutched in his right hand, Davis began a recitation of what the seven-member team had seen and done in North Vietnam. His monologue had little to do with the prisoners. It mainly emphasized the "devastation" that US bombing forays had inflicted on a "determined" and "unbeatable" people now instilled with a "mood of victory." The North Vietnamese believe, he said, that they have President Nixon "trapped."

He introduced Grace Paley, a short frumpy woman in a cotton dress. She said North Vietnam considers U.S. prisoners criminals, but relates them to "show good faith" and as a demonstration of their "humanitarian" treatment.

PRAISE OF HANOI'S TREATMENT

Next up was Linda Sue Evans, young, blonde, wearing tightly fitting, flared blue jeans. "We believe," she said, "that North Vietnam should win." She praised Hanoi's "humane" treatment of the prisoners.

The young Negro, Johnson, principal pacifist speaker at the Hanoi ceremony, was next. He said with obvious pleasure that the North Vietnamese "feel they have defeated the United States."

Davis opened the press conference to questions.

"Are our prisoners being mistreated?" he was asked.

He had seen no such evidence. The group had met a "total of twenty-five to thirty all told," and had been informed by the prisoners that they had been protected within the very villages they had bombed, been given immediate medical attention, and "better" food than is provided for their guards.

He said continuing concern is voiced about the treatment of U.S. prisoners, but he is more concerned about the treatment of prisoners from the other side held in camps in South Vietnam.

Davis was asked to comment on a statement by Secretary of Defense Laird that Hanoi's treatment of prisoners is in "flagrant violation" of the Geneva Conventions.

Davis said he thinks North Vietnam "legally regards the United States as an outlaw nation." (An interesting comment. James Johnson had used the same "outlaw" phrase in his Hanoi remarks, but attributed it to the pacifists themselves.)

"You say our prisoners are being treated humanely," I asked Davis. "How many prison camps did you visit?"

Repeatedly, he sought to evade a direct answer, but I kept hammering "how many prisons" at him. Finally he admitted he had "no information at all" about any of the prison camps.

The press conference produced nothing of any kind about the status of U.S. prisoners held by North Vietnam. The pacifists had returned believing what they wanted to believe. They brought back no list of prisoners held by Hanoi, no hint that North Vietnam might consider changing its policy on prisoners.

Except for some fifty letters Hanoi had permitted them to carry home, they had returned only with an array of sugar-coated propaganda. They had swallowed whole as much as possible and stuffed the rest into their luggage.

The press conference could only raise serious doubts about the value of continuing to allow Hanoi the luxury of using such groups to bring back tiny numbers of prisoners. Some Administration officials, even some wives and families of prisoners and missing men, also are beginning to question the validity of this practice.

At the current exchange rate, it would take well over 400 years to get all of the men home. And the current release procedures, in the words of the Washington, D.C., *Evening Star,* are "a little like Oriental water torture—and just as humanitarian."

Twenty-five days after Frishman, Hegdahl, and Rumble reached New York, I went to Bethesda Naval Hospital in Maryland to hear the two Navy men tell about their prison life. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations where he was removed from the truck and stoned by the populace. When he reached the prison, he was refused medical treatment and told he "was going to die in four hours," unless he talked. He "finally passed out" and was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm but failed to remove missile fragments. It was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets . . . the scab would come off . . . the wound would drain again." One of his legs was left with "a seeping sore," still draining when he reached the United States almost two years later.

During much of his ordeal, Frishman was isolated in a tin-roofed cell, vented by "a few holes." In forty-five-degree winter weather, he froze. In summer, it was "like an oven." Sometimes, he was forced to sit on a stool in the stifling room—"just sit . . . and sit"—until he passed out.

Early this year when interviewed by *L'Europeo,* his captors wrote out what he was to say and then "practiced" it with him.

Did they try to "fatten" him in his final weeks of imprisonment, I asked?

"Yes, they did." On July 4 they took him before the camp commander who "had a real nice table with some fruit on it. . . . I knew then that I was going home."

SOLITARY CONFINEMENT

Hegdahl, too, had been subjected to solitary confinement—in all, for more than a year. The longest stretch lasted "seven months and ten days."

He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed also was plundered before it was handed to him.

For propaganda purposes, he was photographed "reading" a US magazine which he was allowed to hold "just long enough for them to take the picture."

Frishman said he was threatened before his release. If he embarrassed North Vietnam, they would "have ways of getting even with me," he was told. He was cautioned "not to forget that they still have hundreds of my buddies."

But those still imprisoned want the facts out in the open, he said. One told him "not to worry about telling the truth," that if it means more torture, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

While North Vietnam's claims of "humane" treatment of the prisoners have failed to stand up to public scrutiny, it is equally apparent that Hanoi's policies and those of the Viet Cong have been cruelly lacking in compassion for the families of the prisoners and missing men.

Take Andrea Rander, whose husband, Army SSgt. Donald Rander, is held by the Viet Cong. He was first reported missing during the January Tet offensive last year. Four weeks later she was officially notified that he had been wounded and imprisoned. She has been waiting almost two years for a letter that has never come. She has great difficulty, she told me, in making decisions. "I keep putting everything off. I keep telling myself I will wait until Donald comes home. It's my way, I guess, of convincing myself that he will be back."

SPORADIC LETTERS

Billie Hiteshew, wife of AF Maj. James Hiteshew, who was captured by North Vietnam in March of 1967, has lived with the problem longer, but at least she has heard from her husband. She receives sporadic letters, including two this year. And she has seen photographs of her husband. Shortly after his capture, CBS purchased a film of Hiteshew—confined in a hospital with a broken leg and arm—being interviewed by Felix Greene, a British antiwar journalist. She watched her husband say he agreed with Senators who feel "we need to take another look at our foreign policy," a view she had never heard him express or even hint at before.

Evelyn Grubb's only knowledge of her husband came from a similar Hanoi propaganda gesture. An unarmed reconnaissance aircraft, piloted by AF Maj. Wilmer "Newk" Grubb, was shot down in January 1966 while a Christmas bombing halt was in effect. Hanoi gloatingly publicized his capture, conveniently obscuring the true nature of his mission. The day Mrs. Grubb heard of his capture, it was snowing, two of her three sons were ill, and she was three months pregnant. Each time she writes she tells him about their sons (there are now four; one he has never seen), and sends photographs of all of them stapled to the letter so he will know if they have been removed. She doesn't know whether he has received a single photograph or letter. In four years, she has had no further official word of her husband.

Elizabeth Hill is another wife I talked with. Only twenty-three, she was married to AF Capt. Howard J. Hill (both are AF "brats") in August 1967. Two weeks later he returned to Southeast Asia, and just before Christmas was shot down. Nine months passed before she learned that his capture had been confirmed. As she told me this, she smiled. "I can't help smiling," she apologized. "After Howard was missing for so long, I just have to smile when I say he is a prisoner." She has written faithfully for almost two years, but there has never been an answer.

Although regular exchange of mail between prisoners and their families is guaranteed under the Geneva Conventions (even when two countries are not formally at war), the Communists have permitted only a trickle of letters to flow out of North Vietnam.

Efforts of the American Red Cross and the International Red Cross to improve the situation have been essentially futile in the face of Hanoi's obstinance.

NO INSPECTIONS PERMITTED

Not only has North Vietnam rejected Red Cross efforts to establish improved flow of mail and packages to and from US prisoners, and to permit inspections of their prison camps, but they persistently have refused to even acknowledge the existence of, or accept mail from, their own men held as prisoners in South Vietnam. The latter camps are regularly inspected by the neutral Interna-

tional Committee of the Red Cross, and names of all captured North Vietnamese and Viet Cong soldiers are prepared for Hanoi and the VC, but are spurned.

Although the Red Cross has tackled the problem again and again through all potential channels (even seeking help from the USSR)—and keeps on trying "all the time," according to ARC Vice President Robert Lewis—most of the effort has fallen on deaf ears.

Mr. Lewis says the Red Cross also has made it clear that it is prepared to send representatives to Hanoi at any time to accept released prisoners, but the North Vietnamese prefer to stick to their practice of using dissident go-betweens.

MAIL FOR PRISONERS

Mail for all prisoners and missing men is sent through a variety of channels and addresses. Some is handled by the Red Cross, some is mailed direct to foreign post offices, but little is known to have reached the men to whom it is addressed.

Letters written by the prisoners themselves have fared somewhat better because of their propaganda value. But none ever has arrived in the States from prisoners held by the Viet Cong. And fewer than 100 men held by North Vietnam have been allowed to write over the past five years. The average for this small group has been less than two letters a year.

Currently the letters from prisoners are written on a prescribed form, about five by seven inches, which makes its own envelope when folded. Six lines are provided for the message. Instructions tell the prisoners to write "legibly and only on the lines" and "only about health and family." The form states that "Letters from families should also conform to this pro forma."

Not all wives and parents abide by the advice, but many, like Gloria Netherland, do. Forms are provided by the armed forces. All carry a mailing address in the Vietnamese language reading: "Camp of detention for US pilots captured in the Democratic Republic of Vietnam."

But for most families, whether they use the six-line form letter or a longer page, the return on their investment is slim at best.

For families of men listed as "missing," even the lack of mail might be bearable if Hanoi and the VC would release the names of all prisoners. But they have consistently refused. Some U.S. Senators say Hanoi "could devise no subtler cruelty."

While no solution to either the mail problem or the list of missing is in sight, the U.S. armed forces, meanwhile, do what they can to ease the plight of the next of kin.

It is not a simple job, nor has it always received top marks in every area, but as the list of prisoners and missing has grown and as the services have learned from past mistakes and found out more about what the families want and need, they have moved increasingly into programs that now garner well-deserved praise.

All of the wives I talked with feel that their husband's service, as one put it, "is doing everything humanly possible."

NOTIFYING NEXT OF KIN

In the early days when a man was captured or turned up missing, next of kin sometimes were advised by telegram. This impersonal approach proved highly unsatisfactory and has long since been abandoned.

Today when catastrophe strikes, a service representative is sent to the home to call on the family, break the news in person, give whatever details are immediately available, and offer solace and assistance as he can provide.

Either this representative or another is thereafter permanently assigned as an "assistance officer" for all future contacts. He makes sure the families are informed of breaking developments, if any; answers their questions, or refers the queries to someone who can; and ensures that they receive such legal, financial, or other aid as they may require.

The main Air Force effort is performed from the personnel center at Randolph AFB, Tex. Service is available twenty-four hours a day, seven days a week, and next of kin may make collect telephone calls any time, day or night.

Families are told everything the services can tell them about the circumstances surrounding the capture or disappearance of the man. Any subsequent news is passed along as quickly as it is received.

On a broader front, all services have put together special informational programs for the next-of-kin to keep them informed about over-all prisoner developments. These most often take the form of newsletters. But the Army's Adjutant General, Maj. Gen. Kenneth G. Wickham, writes a personal, individually prepared letter to each Army family once a month.

The letters and newsletters are supplemented by personal meetings with individual family members or with groups. This practice was instituted early by the Navy, but has now been made uniform for all services, under expanded policies of the Nixon Administration.

Beginning this past spring, group meetings were instituted under the aegis of a joint Defense/State/military team, with families from several services attending at a central location for each given area. At the meetings, the next of kin receive a full briefing on the prisoner problem.

Much of what they can be told is not new, but it has demonstrated to the satisfaction of many, if not all, of those attending that the government is giving the prisoner problem priority consideration, and sincerely wants, and is trying, to help in every way possible.

MEETINGS WITH NEXT OF KIN

The meetings have been spread all across the country. Scheduled mostly at Air Force bases, they are generally held in Service or Officers Clubs, in an informal atmosphere, with local volunteer-wives serving coffee or punch to the families—normally about 100 wives and parents.

One meeting held at Bolling Air Force Base near Washington, D.C., was attended by Ambassador Henry Cabot Lodge (home to report to the President). He told the group what was happening at the Paris peace table. Another briefing session was conducted at the Pentagon itself. Defense Secretary Laird met and talked with the families.

One member of the briefing team, Deputy Assistant Secretary of Defense Richard G. Capen, Jr., said, "We are always frank about telling the families there have been no great breakthroughs. I review the over-all situation; Frank Sieverts [State Department reprentative] discusses the Paris talks and other State Department efforts conducted through diplomatic channels. Then we spend the remainder of the time, about an hour or an hour and a half, responding to questions."

Mr. Capen says reaction to the briefings has been excellent. Sometimes "wild suggestions" are offered or family members give vent to angry frustration. ("Some cannot understand why we learn so little about the men.") But the meetings, Capen feels, have been extremely useful and have helped to partially satisfy the yearning of many families for some closer contact with their government in Washington.

He has been through many heartrending conversations, but what remains most vividly in his mind is the meeting at which one wife stood up and declared, "I want my husband back, but I don't want to give my country away to do it."

Most of the families, he says, "have real understanding and appreciation of the problems. We want to assure them that when the men do come back, we will be in a position to say we did all we could." He thinks most of the families now feel, if they didn't before, that this is the case.

In addition to the programs designed for the next of kin, the armed forces also carry out certain procedures for the prisoners and missing men themselves.

All, for example, are considered for promotion at the time they normally would have been considered if not in captured or missing status. Their full pay and allowances are continued indefinitely, and they receive whatever general pay increases are authorized for others on active duty. Allotments the men provided for their families are increased as needs dictate.

New laws also have been enacted, and others are being sought, to protect rights of the men that might otherwise be jeopardized.

The military "savings deposit" program, for example, encouraged overseas servicemen to bank a portion of their pay in high-interest accounts as a means of cutting down on the US gold-drain. But the law contained no provision for men who were captured or reported missing. This inequity was corrected only to have a second develop. The maximum that can accumulate in such accounts is $10,000. Anything above that amount draws no interest. With deposits of some men now approaching or exceeding the ceiling, the Defense Department recently asked Congress for authority to invest "excess" amounts in the purchase of US saving bonds and notes.

Yet, despite these and other continuing efforts on behalf of the men and their families, it is all too apparent that the combined activities of the armed forces, the State and Defense Departments, the American and International Red Cross, and the efforts at the Paris talks have reunited few prisoners with their loved ones. Nor has there been any new hope for proper medical care of the sick and injured, neutral inspection of prison camps, full disclosure of the names of all captives, or proper flow of mail.

The new Nixon Administration initiatives are helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, are likely to produce desired action.

An occasional newspaper editorial is not enough. Limited news coverage of developing prisoner stories is not enough. An infrequent letter-to-the-editor is not enough. A statement inserted in the back pages of the CONGRESSIONAL RECORD is not enough. A business-as-usual attitude on the part of the American public can only make apparent to Hanoi that these men who have given so much to their country have indeed been forgotten by those for whom they made the sacrifice.

Some wives of the prisoners and missing men have reached the same conclusions. Some are taking steps to counter public apathy, and to arouse the Congress.

Mrs. James Bond Stockdale of Coronado, Calif., wife of a senior Naval officer held by North Vietnam, has encouraged other wives to send telegrams to the North Vietnamese delegation in Paris, and helped to organize prisoner families. Mrs. James Lindberg Hughes of Santa Fe, N.M., wife of a captured Air Force lieutenant colonel, and Mrs. Arthur S. Mearns of Los Angeles, wife of a missing Air Force major, also have been urging the Congress and others to act.

Many of the wives are essentially satisfied that the services and the Administration are doing all they can. But some feel, as Evelyn Grubb says, that "there is a bargaining point for everything; we have to find it." The wives are convinced that more public pressure is essential.

Some have been particularly critical of the inaction by Congress. "Usually," Mrs. Stockdale has said, "they put something in the

*Congressional Record* and then forget about it."

A check of the *Record* discloses that this practice was, until very recently, more or less standard. But there is hopeful evidence of a growing change—partly as a result of appeals by the wives, partly as a result of the more open discussion policy encouraged by the Administration.

In August, shortly before Congress went into brief summer recess, forty-two Senators banded together in a strong statement condemning North Vietnam for its "cruel" treatment of the prisoners and their families. Instigated by two opponents of our Vietnam policies, Charles Goodell (R-N.Y.) and Alan Cranston (D-Calif.), the declaration says if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure."

"Neither we in Congress, nor the Administration, nor the American people as a whole, nor indeed the families directly affected, will be swayed by this crude attempt."

Those signing the statement included both Democrats and Republicans representing thirty-three of the fifty states. Three names that might have added weight but were absent from the list of signatures were those of war critics J. William Fulbright (D-Ark.), George McGovern (D-S. D.), and Eugene McCarthy (D-Minn.).

The Senate statement ended with a specific plea to "the governments, the statesmen, and the ordinary men and women around the world" who spoke out in 1966 against Hanoi's proposed "war-crimes trials"—a plan that was abandoned by North Vietnam after a wave of world protest.

The Senators said those who protested in 1966 should "make their voices heard once more. Then, as now, the issue was not political but humanitarian—and Hanoi responded to the force of world public opinion. If that force can again be mobilized, this too may contribute to inducing from Hanoi greater respect for human decency and for the rule of law." On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and an attempt "to deceive public opinion."

In the House of Representatives, Congressman William L. Dickinson (R-Ala.) sent a letter to his colleagues asking that they join him, after the August recess, in making floor statements protesting the treatment of our war prisoners.

Whether these moves are one-shot efforts remains to be seen. What members of both houses seem to have overlooked is the potential force of a Joint Congressional Resolution condemning Hanoi's prisoner policies.

Whatever action Congress may take, what will count most significantly is the time and effort the American people are willing to expend in helping solve the problem.

In my numerous interviews with government officials, representatives of the Red Cross, members of the armed forces, and next of kin of the prisoners, I ask each person what he or she thought would be the most effective attack that could be launched.

They agreed that a four-pronged letter campaign could produce dramatic results. The letters should be directed to:

Representatives of foreign nations;

Newspapers and magazines in foreign nations;

Members of the US House and Senate; and

Xuan Thuy, chief North Vietnamese negotiator in Paris.

The letters to the foreign nations and the press in those nations should urge that pressure be brought to bear on Hanoi to live up to the spirit of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should demand the same points. And those individuals who are not necessarily in sympathy with the war should make it clear that proper treatment of the prisoners is nevertheless an overriding consideration. All should note that continued intransigence on the part of Hanoi will only stiffen the resolve of the American public, not weaken it.

Letters to members of Congress (addressed to the Representative from your own congressional district and to either or both of your US Senators) should call for a Joint Resolution demanding proper treatment for the prisoners and missing men, and stressing the solidarity of the nation in this aim.

HOW YOU CAN HELP

If you want to help, send a postcard to AIR FORCE/SPACE DIGEST at 1750 Pennsylvania Ave., N.W., Washington, D.C. 20006, and you will be mailed a list of Washington, D.C., addresses of ambassadors of foreign nations whose assistance could be crucial, together with a list of selected foreign newspapers and publications.

Letters to Xuan Thuy can be addressed, in simplified form, as follows: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards," the position of North Vietnam is "totally inexcusable," Secretary of State William Rogers says. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men many Americans have forgotten, you can. Your letter could be the one that spells the difference.

## OCTOBER 15: A PERIL

Mr. FANNIN. Mr. President, on several occasions I have expressed my concern about the national strike we are faced with on October 15. I am aware that the more elite name by which the leaders of this movement prefer to be described is "Moratorium," but I wonder if many becoming involved realize the hazards they risk in leading this Nation into the throes of anarchy.

There apparently is no dearth of those, Mr. President, who are willing to lend their names to the success of this effort. I cannot judge their motive and do not attempt it. I only question their wisdom. It is extremely questionable to me, Mr. President—to put it in the mildest terms I can manage—to be lending one's name and endorsement to organizations whose leadership councils are shot through with Marxist elements; elements whose philosophy and ideals I believe to be extremely inimical to the best interests of the United States.

Mr. President, I have tried to be quiet and simply put forth the information which had come to me and suggest that those who have inadvertently become wrapped up in these causes may wish to disentangle themselves. However, the publicity given to this affair seems to be mounting and there are apparently few quieting voices from those who believe this soon will border on total disorder.

I wonder, Mr. President, how many of those who have endorsed this movement are aware that the public relations director of the Communist Party, U.S.A., Arnold Johnson, is actively involved in its leadership? How many who have lent their names to ads appearing in major newspapers are knowingly joining with the wife of a Communist Party national committeeman, Sam Kushner, who served as west coast editor of the Communist Party newspaper People's World?

Are they aware that Irving Sarnoff, who has served as a member of the district council, southern California of the Communist Party, U.S.A. is a member of the new "MOBE" steering committee also? Sarnoff is also listed among those who attended the World Peace Assembly in East Berlin this past June.

These are just some of the backgrounds of a few of the people who serve on the steering committee of the New Mobilization Committee.

The new MOBE as it is called, is located in the same office building as the Vietnam Moratorium Committee. I detailed activities of that group in the RECORD of September 30, 1969. The offices are one above the other at 1029 Vermont Avenue NW., here in Washington. They freely admit connections between the two committees. A leader of Vietnam Moratorium Committee, Dave Hawk, is a member of the steering committee of the new MOBE.

Sam Brown, about whom much has been written and publicized, is the chairman of the VMC. He is quoted by Theodore H. White, author of "The Making of the President 1968," as saying:

> 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.

Are those who have lent their names to Sam Brown and his crew of anarchists, willing to agree that the "United States attacked Cuba?"

Are they willing to be blamed with "attacking" the Dominican Republic or the Republic of South Vietnam? Do they share Mr. Brown's view that the United States is the great "imperialist-aggressor nation in the world?"

In my view, Mr. President, the activities scheduled for October 15, under the auspices of the Vietnam Moratorium Committee have been carefully coordinated with similar activities in Communist-controlled Cuba and other Latin countries. The same plan has been set in motion by student groups active in Communist causes in Canada. These are no idle coincidences. How does it happen that the magic date of October 15 began to appear in print some 5 days after the breakup of the world peace assembly in East Berlin last June? Before that, no one had heard October 15 designated as a special day.

Mr. President, in all good conscience, I cannot stand idly by while sworn enemies of the United States—not simply youthful dupes—are actively seeking to bring this country to a standstill. I must protest, and I do so with all the moral force I can muster. These times are not only troublous, they are perilous and I feel threaten the foundation of all that America and Americans hold dear.

Mr. President, I ask unanimous con-

sent that a report on the National Antiwar Conference held in Cleveland, Ohio, this past July, compiled from newspaper reports and eyewitness accounts, be printed in the RECORD at this point, along with a list of U.S.A. participants in the World Peace Assembly held in Communist-controlled East Berlin last June. These documents will, I believe, Mr. President, show without a reasonable doubt where the strategy for a national strike was developed and will also tell a great deal about the manner in which these interlocking so-called "peace" groups are used to do the work of those who are hostile to the United States, our freedom and our Constitution.

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

REPORT ON THE NATIONAL ANTIWAR CONFERENCE

During the late Spring of 1969, a group of approximately 30 radical leaders of anti-war organizations issued a Call to a National Anti-War Conference held in Cleveland, Ohio, July 4–5, 1969. The Call was initiated for the most part by individuals associated with the National Mobilization Committee to End the War in Vietnam (MOBE), a Communist-oriented organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. Included among those persons who endorsed the Conference Call were such MOBE leaders as David Dellinger, Robert Greenblatt, Donald Kalish, Sidney Lens, Sidney Peck and Maxwell Primack.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a three-year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967 demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18–20, 1969 in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvement in Vietnam, MOBE-oriented initiators of the Cleveland Conference believed that a more extensive formation of MOBE was required in order to establish an effective anti-war program. According to the published Call, the purpose of the Conference was to "broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." The Conference was hosted by a MOBE-affiliated organization called the Cleveland Area Peace Action Council (CAPAC), a coordinating body of several dozen anti-war groups in Cleveland, in cooperation with the University Circle Teach-In Committee at Case Western Reserve University. The meetings were held during the entire two-day period at the University's Strosacker Auditorium. Publicity for the Conference was arranged by several organizations including the Student Mobilization Committee to End the War in Vietnam, a group dominated by the Trotskyist Socialist Workers Party.

The Conference was attended by approximately 900 persons, many of whom were delegates from anti-war groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the organizations represented at the Conference, in addition to MOBE and CAPAC, were the Communist Party, U.S.A., W.E.B. DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the War in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating anti-war propaganda and to discrediting the U.S. Armed Forces. Delegates and observers to the Conference were predominantly Caucasian; only about 30 Negroes were in attendance.

A Steering Committee of about 20 to 30 members formed the ruling clique at the Conference. In effect, the Steering Committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the Steering Committee with communist backgrounds included the following: Arnold Johnson, Public Relations Director and legislative representative of the Communist Party, U.S.A. (CPUSA); Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Peck, a former State Committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago Branch, Women's International League For Peace and Freedom; Sidney Lens (Sidney Okun), leader of the now defuuct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, Steering Committee member David Dellinger, MOBE Chairman, declared in a May 1963 speech: "I am a communist, but I am not the Soviet-type communist." Speaking at Yale University in 1965, Dellinger stated that although he was not a communist, he would not disassociate himself from known communists.

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, Chairman, Cleveland Area Peace Action Council; Sidney M. Peck, MOBE Co-Chairman; Irving Sarnoff, Chairman, Southern Califonia Peace Action Council; David Dellinger, MOBE Chairman; LeRoy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Stewart Meacham, Peace Secretary, American Friends Service Committee; Mark W. Rudd, National Secretary, Students for a Democratic Society (SDS); Bill Ayers, SDS Education Secretary; Arnold Johnson, Public Relations Director of the CPUSA; Jack Spiegel, Organizational Director, Chicago District, United Shoe Workers of America; David Hawk, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. Of the aforementioned Conference participants, five have been identified under oath as members of the CPUSA, namely: Peck, Sarnoff, Wolins, Johnson and Spiegel.

There were a number of other indivuals attending the Conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed Chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; and Gene Tournour, W.E.B. DuBois Clubs of America.

The Conference was well represented by a number of functionaries of the Socialist Workers Party (SWP) and its youth arm, Young Socialist Alliance (YSA). It is noteworthy that the Conference itself was marked by periods of dissension. At the outset of the Conference, it became apparent that the majority of those in attendance were affiliated with numerous anti-war groups operating under the domination of the Trotskyist SWP or YSA.

There were two principal issues at the Conference which involved considerable conflicting views with respect to the nature of Fall anti-war demonstrations. First, the SWP essentially held that a Fall anti-war action should comprise only a massive, legal as well as peaceful march on Washington, with the sole demand of immediate withdrawal of the U.S. Armed Forces from Vietnam. This proposal brought about a split in the Steering Committee; however, it was defeated. David Dellinger and Douglas Dowd presented the majority proposal which called for the Steering Committee's support of a "Washington action" project together with the endorsement of the scheduled "Chicago action" originally planned by SDS for September 27, 1969. Interestingly, the SDS project extends the "Washington action" demand beyond troop withdrawals and advocates civil disobedience as a necessary part of the demonstrations.

Secondly, the other main source of disagreement which occurred at the Conference involved a proposal by SDS National Secretary Mark Rudd to plan the Fall anti-war actions to center around the Marxist-Leninist theme of an "anti-imperialist struggle." The SDS proposal was disapproved by the majority of the delegates who took the position that the Fall demonstrations should concern only the issue of the Vietnam War. Another source of friction was the question of who was eligible to receive delegate status. The Steering Committee held that only the Steering Committee itself would make the final determination of any appeal stemming from decisions of the Conference's Credentials Committee.

During part of the second and final day of the Conference, the delegates and observers attended workshop sessions which were devoted to the following topics in connection with proposed demonstration tactics: "November Washington Action," "September Chicago Action," "September Washington Action," "August 17 Summer White House Action," "Moratorium," "GI's and Vets," and "Third World."

The plenary session reconvened during the afternoon of July 5, 1969 at which time the Steering Committee introduced a "majority-minority" resolution for approval. The Communist-oriented Guardian of July 12, 1969 stated that the resolution was "vague" and gave "support" to "all factions, covered up all political differences. The resolution said next to nothing about the Chicago demonstration except that negotiations would be held. The unity resolution was accepted with little discussion." The Conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam war action projects commencing during the month of August and terminating with the November 15, 1969 demonstration in Washington, D.C.

The Conference resolution specifically adopted the following actions:

(1) Support a mass march on President Nixon's Summer White House at San Clemente, California on August 17, 1969.

(2) Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C. in early September 1969.

(3) Support plans of the Vietnam Moratorium Committee for a "moratorium on campuses" on October 15, 1969.

(4) Support the September 27, 1969 demonstration in Chicago sponsored by SDS in opposition to the Vietnam War and to protest the trial of "The Conspiracy" which is scheduled to commence on that day.

(5) Support a "broad mass legal" demonstration around the White House in Washington, D.C. on November 15, 1969 which will include a march and rally in other areas of the city. An associated demonstration will be planned for the same date on the West Coast.

The Conference agreed to form a bicameral organization to effectively launch the Chicago and Washington actions. Two Co-Chairmen and two project directors were designated to be responsible for the Chicago demonstration slated for September 27, 1969. They were: Sidney Lens and Douglas Dowd, Co-Chairmen; and Rennard (Rennie) C. Davis and Sylvia Kushner, Project Directors. With respect to the Washington action scheduled for November 15, 1969, the Conference selected the following persons to administer that project: Sidney M. Peck and Stewart Meacham, Co-Chairmen; and Fay Knopp and Abe Bloom, Project Directors. In an effort to develop both the Chicago and Washington actions in a related manner, David Dellinger was selected by the Cleveland Conference to be a liaison coordinator between both proposed demonstrations.

The Conference claimed that it selected a "new, broadly-based" National Steering Committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the Steering Committee adopted a new name for the organization which will be responsible for planning and directing the forthcoming Fall demonstrations. It was designated the New Mobilization Committee to End the War in Vietnam. However, in actuality, the MOBE-oriented Steering Committee composed of key MOBE officials, decided to drop the name National Mobilization Committee and substitute a new but similar title. Therefore, the New MOBE succeeded the "old" National MOBE with the leadership of the latter remaining virtually intact. The New MOBE has characterized itself as a "new anti-war coalition" which will "carry forward the work of the old National Mobilization Committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy and third world communities." [1]

Since the staging of the National Anti-War Conference in Cleveland in July 1969, New MOBE has increased the size of its Steering Committee. It has also instituted a number of the organizational changes in planning for the Fall demonstrations. One such change brought about the withdrawal of New MOBE support for the SDS-sponsored Chicago action which was re-scheduled from September 27 to October 11, 1969. New MOBE rescheduled its Chicago action to October 25, 1969. The reason for this change was the fact that New MOBE leadership felt apprehensive over the SDS project which they deemed foolhardy and destined for a collision course with the Chicago Police Department. In effect, New MOBE viewed that its participation in such an "adventurous" project of outright confrontation would be detrimental to both New MOBE and the entire anti-war movement at this time.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared: "The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen." [2]

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WORLD ASSEMBLY FOR PEACE, EAST BERLIN, JUNE 21–24, 1969

PROVISIONAL LIST OF PARTICIPANTS FROM UNITED STATES

[*International organizations and movements*]

All-African Trade Union Federation; All-African Women Conference; All-African Youth Movement; American Friends Service (Quakers); Arab Lawyers Union; World Constitution and Parliament Association, Selma Brackman (U.S.A.).

*U.S.A.*

Richard (Dick) Gregory, entertainer, author, lecturer, Chicago.

Mrs. Lillian Gregory.

Stanley Faulkner, lawyer.

Valeri Mitchell, student, Peace Action Council, Los Angeles.

Harlan Weltzel, Episcopal priest, Peace Action Council, Clergy & Laymen Concerned of Los Angeles.

Irving Sarnoff, railroad mechanic; chairman, Peace Action Council, Los Angeles.

Antonia March, church secretary, Women Strike for Peace, Los Angeles.

John Joseph Donaldson, student, Radical Student Union, Los Angeles.

Michael Markwart Pannwitz, family planning consultant; Committee of Returned Volunteers, Los Angeles.

Sara Pannwitz, teacher; Committee of Returned Volunteers.

Peggy Jo Boylen Best, student; Seattle Women's Strike for Peace, Washington.

Janell Aldon Kilgoro, entertainer; Dow Action Committee (DOW), (COLAS), L.A. Committee of Latin American Solidarity, Los Angeles.

Susan Boronstein, student: W.E.B. Du Bois Club, Philadelphia.

Karen Ackerman, student; Du Bois Club, Philadelphia.

Sonia Kaross, press and peace groups; American-Russian Institute, Women for Peace, California.

Alan E. Flanigan, professor of enginering; president, Society for Cultural Relations USA–USSR (Los Angeles); Committee of Concern on Vietnam, Santa Monica, Calif.

Marion Fay, journalist; Committee for International Peace Action, San Francisco.

Estelle Cypher, teacher, Women Strike for Peace, Washington.

Dr. Herbert Apthekor, writer, historian, member of Presidium of World Council of Peace.

Dr. Carlton Goodlett, physician and surgeon; Committee for International Peace Action, San Francisco; Member of Presidium of World Council of Peace.

Rose Epstein, teacher; United for Peace, Fine Towns Forum, New York.

Joseph Walker, journalist, 'Muhammad Speaks' Newspaper, N.Y.

Jarvis Tyner, National Chairman, W.E.B. Du Bois Club of Amer., New York.

Rudolph Oppenheim, buyer and store manager; Methodist Federation.

Jean Taylor, clerk, Salem Methodist Church, New York.

Shirley Keith Viel, anthropologist; English-speaking Comm. MPDL, Paris.

Eleanor Ohman, artist; secretary, Committee for International Peace Action, San Francisco.

Thomas Fleming, journalist; Black War Resisters, Calif.

Clara J. Brown, black American Civil Rights Activists.

Richard Morford, clergyman, Organizing Committee for World Peace Assembly.

John Donaldson, student; Radical Student Union, Los Angeles.

Mary Clarke, peaceworker; coordinator, Women Strike for Peace, Los Angeles.

Barbara Bick, editor; Women Strike for Peace; editor, National Newsletter National Office.

Antonia March, church secretary; Women Strike for Peace, Los Angeles.

Martin Hall, writer; Peace Action Council of Southern California.

Beatrice Milwe, Women Strike for Peace, Women International League for Peace and Freedom, New York.

Regina Pustan, medical doctor; Deutsch-Britische Gesellschaft.

Harlan Weitzel, clergyman; Peace Action Council Clergy and Laymen Concerned, California.

Mary-Angie Dickerson, social worker; Organizing Committee of the World Assembly for Peace, New York.

Pauline Rosen, teacher; Women Strike for Peace, New York.

Adele Halkin, photographic stylist; Women Strike for Peace.

Jules Ramney, artist, bookkeeper, lecturer; Peace Action Council, Black Unitarian Caucus, Los Angeles.

Taimi Halonen, Women Strike for Peace, Seattle Women Act for Peace, Washington.

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[1] "New Mobilizer," September 5, 1969, p. 1.

[2] "The Militant," July 18, 1969, p. 7.

## ORDER OF BUSINESS

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. After we have completed these speeches under the unanimous agreement, will there be a period for the transaction of routine morning business?

The PRESIDING OFFICER. After the Senator's statement, there will be a period for the transaction of routine morning business, under a 3-minute limitation.

Mr. JAVITS. Then, Mr. President, I ask unanimous consent that my time be extended to accommodate the following two matters, and I ask the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. BYRD) of the majority leadership to give me their attention:

First, to accommodate what the Senator from Georgia (Mr. TALMADGE) tells me is a routine matter of adjusting a Senate bill to a House bill, and then the conference report on the insured student loan bill, which will be brought up by the Senator from Rhode Island (Mr. PELL) and myself, and then that I may proceed for the 20 minutes which was previously provided for me.

I might explain that this was simply to accommodate other Senators.

Mr. KENNEDY. Yes. Mr. President, we would like to ask the Senator how much time that would take. I do not have any reason to object, but I know there are other Senators who wish to speak on the conference report on student loans, for example.

Mr. JAVITS. Does the Senator wish to speak himself?

Mr. KENNEDY. Yes, I had planned to speak on it.

Mr. JAVITS. How long?

Mr. KENNEDY. Well, several minutes, certainly.

Mr. JAVITS. Mr. President, I ask unanimous consent that my time, then, be extended to accommodate both of these matters, an additional 20 minutes. Will that be enough for the Senator?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I now ask unanimous consent that I may yield, respectively, for the purposes mentioned to the Senators to whom I have referred, as well as other Senators who may come into the debate, and that I may then obtain the floor, after those two items are disposed of.

The PRESIDING OFFICER. Is there

objection? Without objection, it is so ordered.

Mr. JAVITS. I yield to the Senator from Georgia.

## INCREASED DEPENDENCY AND INDEMNITY COMPENSATION FOR WIDOWS AND CHILDREN

Mr. TALMADGE. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 1471, a bill to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes.

The Presiding Officer laid before the Senate the amendments of the House of Representatives to the bill (S. 1471) to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes, which were to strike out all after the enacting clause and insert:

That section 402 of title 38, United States Code, is amended to read as follows:

"§ 402. Determination of pay grade

"(a) With respect to a veteran who died in the active military, naval, or air service, his pay grade shall be determined as of the date of his death.

"(b) With respect to a veteran who did not die in the active military, naval, or air service, his pay grade shall be determined as of—

(1) the time of his last discharge or release from active duty under conditions other than dishonorable; or

(2) the time of his discharge or release from any period of active duty or training or inactive duty training, if his death results from service-connected disability incurred during such period and if he was not thereafter discharged or released under conditions other than dishonorable from active duty.

"(c) The pay grade of any veteran described in section 107(b) of this title shall be that to which he would have been assigned upon final acceptance or entry upon active duty.

"(d) If a veteran has satisfactorily served on active duty for a period of six months or more in a pay grade higher than that specified in subsection (a) or (b) and any subsequent discharge or release from active duty was under conditions other than dishonorable, the higher pay grade shall be used if it will result in greater monthly payments to his widow under this chapter. The determination as to whether an individual has served satisfactorily for the required period in a higher pay grade shall be made by the Secretary of the Department in which such higher pay grade was held.

"(e) The pay grade of any person not otherwise described in this section, but who had a compensable status on the date of his death under laws administered by the Veterans' Administration, shall be determined by the head of the department under which such person performed the services by which he obtained such status (taking into consideration his duties and responsibilities) and certified to the Administrator. For the purposes of this chapter, such person shall be deemed to have been on active duty while performing such services."

SEC. 2. Section 403 of title 38, United States Code, is amended by striking out the last sentence of the section.

SEC. 3. Section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband, at monthly rates set forth in the following table:

| "Pay grade | *Monthly rate* |
|---|---|
| E–1 | $167 |
| E–2 | 172 |
| E–3 | 177 |
| E–4 | 187 |
| E–5 | 193 |
| E–6 | 197 |
| E–7 | 206 |
| E–8 | 218 |
| E–9 | [1] 228 |
| W–1 | 211 |
| W–2 | 219 |
| W–3 | 226 |
| W–4 | 238 |
| O–1 | 211 |
| O–2 | 218 |
| O–3 | 234 |
| O–4 | 247 |
| O–5 | 272 |
| O–6 | 306 |
| O–7 | 332 |
| O–8 | 363 |
| O–9 | 390 |
| O–10 | [2] 426 |

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $245.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $457.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $20 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 4. Section 421 of title 38, United States Code, is amended to read as follows:

"§ 421. Certifications with respect to pay grade

"The Secretary concerned shall, at the request of the Administrator, certify to him the pay grade of deceased persons with respect to whose deaths applications for benefits are filed under this chapter. The certification of the Secretary concerned shall be binding upon the Administrator."

SEC. 5. Section 401 of title 38, United States Code, is amended by striking out the text thereof beginning with "(1)" and continuing through "(2)".

SEC. 6. The table of sections at the beginning of chapter 13 of title 38, United States Code, is amended by (1) striking out

"402. Computation of basic pay."

and substituting in lieu thereof:

"402. Determination of pay grade."

and (2) by striking out

"421. Certifications with respect to basic pay."

and substituting in lieu thereof:

"421. Certifications with respect to pay grade."

SEC. 7. Section 322 of title 38, United States Code, is amended by (1) inserting "(a)" immediately before "The"; and (2) adding at the end thereof the following new subsection:

"(b) The monthly rate of death compensation payable to a widow under subsection (a) of this section shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 8. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

And, amend the title so as to read: "An Act to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes."

Mr. TALMADGE. Mr. President, a majority of the Subcommittee on Veterans' Legislation of the Committee on Finance have indicated that the House amendments are acceptable and that a conference on the bill would not be necessary. Accordingly, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

## EMERGENCY INSURED STUDENT LOAN ACT OF 1969—CONFERENCE REPORT

Mr. PELL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustments payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. NO. 91–560)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following "That this Act may be cited as the 'Emergency Insured Student Loan Act of 1969'.

"INCENTIVE PAYMENTS ON INSURED STUDENT LOANS

"SEC. 2. (a)(1) Whenever the Secretary of Health, Education, and Welfare determines that the limitations on interest or other conditions (or both) applicable under part B of title IV of the Higher Education Act of 1965 (Public Law 89–329) to student loans eligible for insurance by the Commissioner of Education or under a State or nonprofit private insurance program covered by an agreement under section 428(b) of such Act, considered in the light of the then current economic conditions and in particular the relevant money market, are impeding or threatening

to impede the carrying out of the purposes of such part B and have caused the return to holders of such loans to be less than equitable, he is hereby authorized, by regulation applicable to a three-month period specified therein, to prescribe (after consultation with the Secretary of the Treasury and the heads of other appropriate agencies) a special allowance to be paid by the Commissioner of Education to each holder of an eligible loan or loans. The amount of such allowance to any holder with respect to such period shall be a percentage, specified in such regulation, of the average unpaid balance of disbursed principal (not including interest added to principal) of all eligible loans held by such holder during such period, which balance shall be computed in a manner specified in such regulation; but no such percentage shall be set at a rate in excess of 3 per centum per annum.

"(2) A determination pursuant to paragraph (1) may be made by the Secretary of Health, Education, and Welfare, on a national, regional, or other appropriate basis and the regulation based thereon may, accordingly, set differing allowance rates for different regions or other areas or classifications of lenders, within the limit of the maximum rate set forth in paragraph (1).

"(3) For each three-month period with respect to which the Secretary of Health, Education, and Welfare prescribes a special allowance, a determination required by paragraph (1) shall be made, and the percentage rate applicable thereto shall be set, by promulgation of a new regulation or by amendment to a regulation applicable to a prior period or periods.

"(4) The special allowance established for any such three-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under this Act. The holder of a loan with respect to which any such allowance is to be paid shall be deemed to have a contractual right, as against the United States, to receive such allowance from the Commissioner.

"(5) Each regulation or amendment, prescribed under this Act, which establishes a special allowance with respect to a three-month period specified in the regulation or amendment shall, notwithstanding section 505 of the Higher Education Amendments of 1968, apply to the three-month period immediately preceding the period in which such regulation or amendment is published in the Federal Register, except that the first such regulation may be made effective as of August 1, 1969, and notwithstanding other provisions of this section requiring a three-month period, may be made effective for a period of less than three months.

"(6)(A) The Secretary of Health, Education, and Welfare shall determine, with respect to the student insured loan program as authorized under part B of title IV of the Higher Education Act of 1965 and this Act, whether there are any practices of lending institutions which may result in discrimination against particular classes or categories of students, including the requirement that as a condition to the receipt of a loan the student or his family maintain a business relationship with the lender, the consequences of such requirement, and the practice of refusing to make loans to students for their freshman year of study, and also including any discrimination on the basis of sex, color, creed, or national origin. The Secretary shall make a report with respect to such determination, and his recommendations, to the Congress on or before March 1, 1970.

"(B) If, after making such determination, the Secretary finds that, in any area, a substantial number of eligible students are denied a fair opportunity to obtain an insured student loan because of practices of lending institutions in the area which limit student participation, (i) he shall take such steps as may be appropriate, after consultation with the appropriate State guarantee agencies and the Advisory Council on Financial Aid to Students, relating to such practices and to encourage the development in such area of a plan to increase the availability of financial assistance opportunities for such students, and (ii) he shall, within sixty days after making such determination, adopt or amend appropriate regulations pertaining to the student insured loan program to prevent, where practicable, any practices which he finds have denied loans to a substantial number of students.

"(7) As used in this Act, the term 'eligible loan' means a loan made on or after August 1, 1969, and prior to July 1, 1971, which is insured under title IV–B of the Higher Education Act of 1965, or made under a program covered by an agreement under section 428(b) of such Act.

"(b) The Commissioner of Education shall pay to the holder of an eligible loan, at such time or times as are specified in regulations, a special allowance prescribed pursuant to subsection (a), subject to the conditions that such holder shall submit to the Commissioner, at such time or times and in such manner as he may deem proper, such information as may be required by regulation for the purpose of enabling the Secretary of Health, Education, and Welfare and the Commissioner to carry out their functions under this Act and to carry out the purposes of this Act.

"(c)(1) There are hereby authorized to be appropriated for special allowances as authorized by this section not to exceed $20,000,000 for the fiscal year ending June 30, 1970, $40,000,000 for the fiscal year ending June 30, 1971, and for succeeding fiscal years such sums as may be necessary.

"(2) Sums available for expenditure pursuant to appropriations made for the fiscal year ending June 30, 1969, under section 421(b) (other than clause (1) thereof) of the Higher Education Act of 1965 shall be available for payment of special allowances under this Act. The authorization in paragraph (1) shall be reduced by the amount made available pursuant to this paragraph.

"INCREASED AUTHORIZATION FOR THE NATIONAL DEFENSE STUDENT LOAN PROGRAM

"SEC. 3. Section 201 of the National Defense Education Act of 1958 is amended by striking out '$275,000,000 for the fiscal year ending June 30, 1970, and, $300,000,000 for the fiscal year ending June 30, 1971' and inserting in lieu thereof '$325,000,000 for the fiscal year ending June 30, 1970, and $375,000,000 for the fiscal year ending June 30, 1971'.

"INCREASED AUTHORIZATION FOR THE EDUCATIONAL OPPORTUNITY GRANT PROGRAM

"SEC. 4. Section 401(b) of the Higher Education Act of 1965 is amended by striking out '$100,000,000 for the fiscal year ending June 30, 1970, and $140,000,000 for the fiscal year ending June 30, 1971,' and inserting in lieu thereof '$125,000,000 for the fiscal year ending June 30, 1970, and $170,000,000 for the fiscal year ending June 30, 1971'.

"INCREASED AUTHORIZATION FOR THE WORK-STUDY PROGRAM

"SEC. 5. Section 441(b) of the Higher Education Act of 1965 is amended by striking out '$250,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971' and inserting in lieu thereof '$275,000,000 for the fiscal year ending June 30, 1970, and $320,000,000 for the fiscal year ending June 30, 1971'."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows: Amend the title so as to read: "An Act to authorize special allowances for lenders with respect to insured student loans under title IV–B of the Higher Education Act of 1965 when necessary in the light of economic conditions in order to assure that students will have reasonable access to such loans for financing their education, and to increase the authorizations for certain other student assistance programs.".

And the Senate agree to the same.

CLAIBORNE PELL,
RALPH W. YARBOROUGH,
JENNINGS RANDOLPH,
HARRISON WILLIAMS,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
THOMAS F. EAGLETON,
WINSTON L. PROUTY,
J. JAVITS,
PETER H. DOMINICK,
GEORGE MURPHY,
RICHARD S. SCHWEIKER,
*Managers on the part of the Senate.*

CARL D. PERKINS,
EDITH GREEN,
JOHN BRADEMAS,
HUGH L. CAREY,
WILL D. HATHAWAY,
PHILLIP BURTON,
FRANK THOMPSON,
JAMES H. SCHEUER,
LOUIS STOKES,
WILLIAM L. CLAY,
WILLIAM AYRES,
ALBERT H. QUIE,
OGDEN REID,
JOHN N. ERLENBORN,
MARVIN L. ESCH,
JOHN DELLENBACK,
WILLIAM A. STEIGER,
*Managers on the part of the House.*

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

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

Mr. PELL. Mr. President, I am happy to present to the Senate the conference report on the Emergency Insured Student Loan Act of 1969. The House and Senate conferees met in four sessions of conference and agreed on this report. As is often the case, the conference report is, in my opinion, a better bill than that which was submitted to the conference by either House.

Since this is the first conference report which I, as chairman of the Subcommittee on Education, have submitted to the Senate, I would like to express my appreciation to my fellow conferees both from the Senate and the House for their assistance in making this conference such a great success. I would also like to express my thanks to Mr. Peter LeReoux of the Legislative Counsel's office for his able assistance in putting the report together.

Mr. President, as chairman of the Senate conferees I now present a statement which explains the conference report and discusses the intent of the conference with respect to the agreements which were made.

The House bill providing for market adjustment allowances amended the Higher Education Act of 1965. The Senate amendment providing incentive allowances was an independent act which did not amend existing law. The House recedes from its disagreement with the Senate amendment. The conference report contains an independent act. The special allowances, due to the emergency situation, are provided for by a new enactment.

The House bill provided for payments to lenders based on a determination by the Secretary of Health, Education, and Welfare that the limitations on interest or other conditions have caused the return to the lenders under the student insured loan program to be less than equitable. The Senate amendment made the determination of the Secretary dependent upon whether the limitations on interest or other conditions impede or threaten to impede the carrying out of the purposes of the student insured loan program. The House recedes from its disagreement with the Senate amendment, with an amendment, which requires the Secretary to make both findings prior to setting a return for special allowances. He must find first, that economic conditions and the limitations on interest impede or threaten to impede the carrying out of the purposes of the student insured loan program; and second, that such conditions and limitations have caused the return to lenders to be less than equitable.

The House bill provided that the allowances would be called "market adjustment allowances." The Senate amendment provided that the allowances would be called "incentive allowances." The House recedes from its disagreement to the Senate amendment, with an amendment, which provides that the allowances will be called "special allowances."

The House bill required that the amount of the allowance to be paid to the lender be computed in a manner specified in regulations. The Senate amendment provided that the amount of the payment to the lender would be determined as of the close of each 3-month period unless a different method of determining the amount is set forth in regulations. The Senate recedes from its amendment on this part.

The House bill provided that the allowances apply retrospectively to the 3-month period preceding the publication of the regulation. The Senate amendment provided that the allowances would be effective prospectively for the 3-month period beginning after the publication of the regulation. The Senate recedes from its amendment.

The Senate amendment provided that the Secretary would prescribe procedures to the effect that lenders making loans eligible for an allowance pursuant to the act do not, as a condition precedent or subsequent for making any such loan, require a student or any member of the student's family to carry out any business activity with the lender, other than an activity directly related to the administration and repayment of such loan. The House recedes from its disagreement with the Senate amendment with an amendment which provides that:

First, the Secretary of Health, Education, and Welfare shall determine, with respect to the student insured loan program as authorized under part B of title IV of the Higher Education Act of 1965 and the act, whether there are any practices of lending institutions which may result in discrimination against particular classes or categories of students, including the requirement as a condition to the receipt of a loan that the student or his family maintain a business relationship with the lender, the consequences of such requirement, and the practice of refusing to make loans to students for their freshman year of study, and also including any discrimination on the basis of sex, color, creed, or national origin. The Secretary shall make a report with respect to such determination, and his recommendations, to the Congress on or before March 1, 1970.

Second, if after making such determination the Secretary finds that, in any area, a substantial number of eligible students are denied a fair opportunity to obtain an insured student loan because of practices of lending institutions in the area which limit student participation, he shall take such steps as may be appropriate, after consultation with the appropriate State guarantee agencies and the Advisory Council on Financial Aid to Students, relating to such practices and encourage the development in such area of a plan to increase the availability of financial assistance opportunities for such students, and he shall, within 60 days after making such determination, adopt or amend appropriate regulations pertaining to the student insured loan program to prevent, where practicable, any practices which he finds have denied loans to a substantial number of students.

In light of the record vote on the Senate floor at the time of Senate debate on the measure, it was with great reluctance that the Senate conferees accepted the amendment of the House. Therefore, the Senate conferees wish to make certain that the intent of the conference with respect to this provision is made clear.

The language of the conference report carries out the original intent of the Senate that lenders should not require students or their families to conduct business activities with the lender as a condition for receiving a student loan. However, the language of the report does require that there be a finding that such an activity results in a substantial number of students being denied a fair opportunity to obtain loans prior to the adoption of regulations to prevent that practice. The conference report contains language which states the regulations are to "prevent, where practicable, any" such practices. The phrase "where practicable" was used in order to make sure that the practices of credit unions and other similar lenders which have, as a condition precedent to receipt of a loan, requirement of membership, are not precluded from continuing such requirement. Subparagraph (B) of paragraph (6) of section 2(a) of the bill is intended to discourage banks from requiring students or their families to carry out any business activity other than that related to the administration and repayment of the loan. The authority contained in such subparagraph (B) is sufficient to prevent that practice if it results in a substantial number of students in any area from obtaining insured loans.

The House bill defined eligible loans to be those loans made under the insured loan program after June 30, 1969, and prior to July 1, 1971. The Senate amendment defined eligible loans to be those made after August 15, 1969, and prior to July 1, 1970. The House recedes from its disagreement with the Senate amendment, with respect to the starting date, with an amendment which provides that the starting date for eligible loans is August 1, 1969. The Senate recedes from its amendment with respect to the terminal date. Eligible loans are defined in the conference report as those made after August 1, 1969, and prior to July 1, 1971.

The House bill authorized a permanent appropriation of such sums as may be necessary to pay allowances to lenders. The Senate amendment provided for an authorization of appropriations of $15 million for the fiscal year ending June 30, 1970. The House recedes from its disagreement to the Senate amendment with a substitute amendment which provides that there are authorized to be appropriated $20 million for the fiscal year ending June 30, 1970, and $40 million for the fiscal year ending June 30, 1971, and such sums as may be necessary in succeeding fiscal years to pay special allowances on loans made prior to July 1, 1971.

The House bill explicitly gave lenders a contractual right to allowances. The Senate amendment directed the Commissioner to pay allowances to lenders. The Senate recedes from its amendment.

The House bill required lenders to submit such information to the Commissioner as may be necessary to enable him to pay the allowances. The Senate amendment required the lenders to provide such information as may be necessary to enable the Commissioner and the Secretary to carry out their functions under the act. The House recedes from its disagreement to the Senate amendment.

The Senate amendment amended the authorization of appropriations for the national defense student loan program by increasing the authorization from $275 million for the fiscal year ending June 30, 1970, to $325 million for such year, and increasing such authorization from $300 million for the fiscal year ending June 30, 1971, to $375 million for such year. The House bill contained no such provision. The House recedes from its disagreement.

The Senate amendment amended title IV–A of the Higher Education Act of 1965 to increase the authorization of appropriations for the educational opportunity grant program from $100 million for the fiscal year ending June 30, 1970, to $150 million for such year, and increase such authorization from $140 million for the fiscal year ending June 30, 1971, to $200 million for such year. The House recedes from its disagreement with an amendment which provides that the authorization for the educational opportunity grant program is $125 million for the fiscal year ending June 30, 1970, and $170 million for the fiscal year ending June 30, 1971.

The Senate amendment provided for an increase in the authorization of the college workstudy program under title IV–C of the Higher Education Act of 1965 from $250 million for the fiscal year ending June 30, 1970, to $275 mil-

lion for such year and an increase in such authorization for the fiscal year ending June 30, 1971, from $285 million to $320 million. The House recedes from its disagreement to the Senate amendment.

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

Mr. PELL. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I know that the Senator from Massachusetts (Mr. KENNEDY), who had a very important part in this bill, and perhaps the Senator from Vermont (Mr. PROUTY), who also had a very important part in it, will wish to be heard on the matter. So I shall be brief.

Mr. President, the conference report on the Emergency Insured Student Loan Act of 1969, H.R. 13194, is a modified version of the administration's bill, S. 2721, which I introduced on July 29 for myself and Senators BELLMON, DOMINICK, MURPHY, PROUTY, and SCHWEIKER, all members at that time of the Senate Committee on Labor and Public Welfare. Later joining as consponsors were Senators GOLDWATER, THURMOND, MILLER, PERCY, STEVENS, and MONTOYA.

On August 7, the Senate Education Subcommittee, under the chairmanship of the distinguished Senator from Rhode Island (Mr. PELL) conducted hearings and on the following day the measure was reported from the full committee. Within a week, on August 12, the bill was approved by the Senate with but one dissenting vote.

However, due to unfortunate parliamentary delays and the Labor Day recess, the House was unable to consider the proposal until September 15, when, under suspension of the rules, it was approved by an overwhelming 322-to-60 vote. A motion to adopt the Senate bill number, S. 2721, was rejected, so it then became necessary for the Senate to approve again its version of the bill under the House number. This was done on September 16.

After a lengthy conference with the House, a report has been agreed to which has the support of all the Senate conferees. The program of incentive allowances of up to 3 percent to lenders will be effective until the end of the next fiscal year, retroactive to August 1 and expiring concurrently with the authorizations contained in the Higher Education Act on June 30, 1971. The Senate provision prescribing for procedures to prohibit lenders from requiring that the student or his family conduct business with the lender was modified in conference so as to preserve the concern of the Senate that such discrimination not exist but also recognizing the special problems of credit unions and labor organizations and the difficulties in administering the provision in an equitable and efficient manner.

Authorizations were increased for the Federal direct-loan program—national defense student loans—as well as the work-study and educational opportunity grant—EOG—programs, thus strengthening other Federal student-aid activities which complement the guaranteed student loan effort.

In conclusion, Mr. President, I wish to say that I am satisfied, as the author of the bill, that the fundamental thrust of the bill has been preserved through the conference. It is true that we ran into some difficulty with the House of Representatives in seeking to sustain the Senate's position on the amendments, which essentially were those of the Senator from Massachusetts (Mr. KENNEDY), but even those were compromised out fairly. There are additional authorizations provided for the NDEA, that is, the national defense student loan aspect, for educational opportunity grants, and even for college work-study programs. There is a compromise on the provision respecting banks which makes it a precondition to these insured student loans that they have done some business with the student or his family. I think that was fairly compromised out.

But the fundamental thrust of the bill remains, and 750,000 students will be able to go to college and get loans through the financial program because of this very brilliant innovation, which comes essentially from the administration. We have got to give credit where credit is due.

I have been for this underwriting of policy with respect to rules for college commitments and other things. It has worked very well, and I think we have simply got to use it more in this time of inordinately high interest rates. We cannot let society be crushed by a financial situation like this, while we are trying to repair it.

I think the Senator from Rhode Island (Mr. PELL), the chairman of the conference, is entitled to our gratitude, certainly to mine at least, as the man who brought the bill in. It is a happy day for me. I commend him for handling it with such skill and such fidelity to the wishes of the Senate.

Finally, may I say, Mr. President, that I should like to include in this commendation my colleagues of the minority. We had voted against, as members of the minority, some of the committee provisions which we compromised, but never by so much as the drop of a nod was that fact conveyed to the House conferees, but the Senate conferees stood firm to their utmost in supporting the Senate position, whether or not we had supported that position in this Chamber. I think that is an excellent attitude for conferees, and I am glad to have had the privilege, as ranking minority member of the committee, of speaking in support of the conference report as far as those members are concerned.

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

Mr. PELL. I yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, to add to what the distinguished Senator from New York has just said, some of us in the minority were opposed to certain provisions of the bill, but when we went to conference, we worked long and arduously to maintain the Senate position.

I think all the conferees on both sides were dedicated to bringing out a bill of this character, because we knew it was so desperately needed if many thousands of young people were to have a chance for a college education. So, as one of the conferees, I am happy to support the report. I think those of us on both sides, particularly the distinguished Senator from Rhode Island (Mr. PELL), who has rendered yeoman service as chairman of the conferees, felt the same way. I am very happy to support the work of the conferees. I know it will be in the great interest of higher education in this country.

Mr. KENNEDY. Mr. President, will the Senator yield to me?

Mr. PELL. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all I commend the distinguished Senator from Rhode Island (Mr. PELL) for his work as chairman of the Education Subcommittee in the Senate, and for the leadership which he has provided on the matter which is before the Senate this afternoon. Senator PELL took over the chairmanship after the recent departure of the very distinguished former Senator from Oregon, Mr. Morse, who has left his mark on so many of the education bills during the last decade, and before.

The emergency nature of the legislation challenged us. We had time only for a very limited period of hearings.

As a member of that committee, I point out that every consideration was given to the matter by the members of the subcommittee and the full committee. They brought their views to bear on the legislation.

When the matter came up for consideration on the floor of the Senate, two amendments had been added to it in committee. Those amendments were in dispute. But the Senate approved both by rollcall votes.

These were controversial matters in the conference. One related to the increase in authorizations for other Federal student assistance programs, and the other related to provisions that would prohibit banks from requiring as a condition for the receipt of such loans that a student or his family actually do other business with the bank.

The chairman of the committee, during the many hours of conference, conducted himself always in a most fair and reasonable manner and with a firmness that provided leadership in maintaining the position of the Senate.

I was the sponsor of two amendments. In commending the leadership of the Senator from Rhode Island, I am sure that I speak for the Senator from Minnesota (Mr. MONDALE) who was most helpful in increasing the national defense student loan program and on the other matters, as well as the Senator from Missouri (Mr. EAGLETON), one of the strongest supporters of the amendment I offered to prohibit banks from loaning on the basis of some kind of other banking activity.

I commend the distinguished chairman of the committee for the leadership he has provided. I also extend a word of appreciation to the distinguished Senator from New York (Mr. JAVITS). There are very few Senators who possess his legislative skill and ability.

We can all remember times during conferences between the House and the Senate when the legislative craftsmanship of the Senator from New York has

been called up to establish the kind of working compromise which can and must be reached in these important conferences.

I also extend commendation to the Senator from Vermont (Mr. PROUTY) and the other minority members for their attitude and constructive comments during conference.

Mr. President, I am pleased that the House and Senate conferees have reached agreement on the emergency special incentive bill to expand the guaranteed student loan program. Prompt action today by the House and Senate will finally clear the bill for the President's signature.

Under the guaranteed student loan program, the Federal Government guarantees repayment of loans by lenders to students—as long as the interest rate charged to the student does not exceed 7 percent. The present bill would authorize the Secretary of Health, Education, and Welfare to pay lenders an incentive bonus of up to 3-percent interest, above the 7-percent statutory maximum, in order to encourage participation. The maximum rate charged to students would remain at 7 percent.

Mr. President, I am especially pleased that the conferees acted positively on two amendments which I added to this bill in the Committee on Labor and Public Welfare and which were passed in the Senate by rollcall votes. I would like to discuss briefly both of these amendments, and review the understanding of the conferees regarding the conference language.

The first Senate amendment increases the authorizations for the three other Federal student assistance programs—national defense student loan program, the college work-study program, and educational opportunity grants. The House conferees agreed to the Senate passed increases for the national defense student loans of $50 million in fiscal 1970, and $75 million in fiscal 1971. The House conferees agreed to the Senate passed increases in the college work-study program of $25 million in fiscal 1970, and $35 million in fiscal 1971. The House conferees accepted half of the Senate passed increases in the educational opportunity grant program, resulting in increases of $25 million for fiscal 1970, and $30 million for fiscal 1971.

Mr. President, I believe that these increases are significant. Congress has demonstrated concern and a recognition that we are in an emergency situation across the board on Federal student assistance programs. We have recognized that the current authorizations are inadequate for each of these programs. We have indicated a desire to move ahead not just on the guaranteed student loan, which helps middle income students, but also on the other programs directed to the lower income students.

The need for the increases is clear. At the present time money available for the three major programs of student aid—NDSL, EOG and college work study—is only 61 percent of the total requested by the Nation's colleges and universities. The estimated $503 million available for the coming academic year is higher than the $430 million allocated in 1966, or even the $490 million allocated in 1969. But the total still falls far short of the $814 million requested or the $682 million approved by regional panels that review the requests.

There are specific needs for each of the three programs.

For this academic year, institutional requests for national defense student loans are $318 million—enough to serve 650,000 students. Only $155 million is available—enough to serve only 400,000 students. This leaves 250,000 students unable to receive desired loans. For next year, institutional requests will be even higher than $318 million—perhaps an estimated $370 million, considering that requests rose by $48 million this year. Yet authorization for this year is only $275 million. Authorization for next year is only $300 million. The Senate amendment, accepted in conference, would increase authorization to $325 million this year and $375 million next year.

For this academic year, institutional requests for educational opportunity grants are $120 million—enough to serve 225,000 new students. Available funds are only $54 million—enough to serve only 100,200 new students; 125,000 new students are unable to receive EOG's. For next year institutional requests will be even higher than $120 million—perhaps an estimated $155 million, considering that requests increased by $37 million this year alone. Yet authorization for next year is $100 million. The conference-approved amendment would increase this authorization to $125 million, and next year's authorization to $170 million. These increases were one-half of those passed in the Senate.

For this academic year institutional requests for college work study are $275 million—enough to serve approximately 600,000. Only $170 million is available—enough to serve only about 400,000 students. For next year, institutional requests will be even higher than $275 million—perhaps an estimated $315 million, considering that requests increased by $42 million this year. The authorization for this year is only $250 million, and for next year $285 million. The Senate amendment accepted in conference would increase this year's authorization to $275 million. It would increase next year's authorization to $320 million.

Mr. President, the need to help lower-income students is clear. Fifty percent of college students come from the top quartile of family income. Only 7 percent come from the lowest-income quartile.

Moreover, the number of students is growing rapidly. At present there are almost 6 million college students. Enrollment will pass 8 million by 1976. The present rate of increase in the number of students attending institutions of higher education is over 8 percent. This reflects the fact that today 40 percent of young Americans enter college.

For these reasons, Mr. President, I think that it is highly significant that the conferees agreed to move ahead on all Federal student assistance programs.

Mr. President, the second amendment which I offered in committee, which passed by a record vote of 72 to 21 in the Senate, and which to a substantial degree was accepted by the conferees, would prohibit discrimination by lenders in making guaranteed student loans. One abuse, in particular, which the amendment is designed to prevent is the practice by some lenders of requiring, as a condition for a student's receiving this attractive 7-percent loan, that either the student or his family do additional banking business with the lender.

The Senate-passed version directed the Secretary of Health, Education, and Welfare, to establish procedures to prevent such requirements. The final version agreed to by the conferees directs the Secretary of Health, Education, and Welfare, to make a comprehensive investigation of discrimination in the guaranteed student-loan program. He must report to Congress no later than March 1, 1970. If he finds that there is discrimination of any kind which denies a substantial number of students the fair opportunity to receive insured student loans, the Secretary must adopt or amend regulations to prevent these practices.

Mr. President, if the Secretary carries out the mandate of Congress with regard to this discrimination, the design of the original Senate amendment will be met.

I am concerned, as I know my colleagues in Congress are concerned, that the guaranteed student-loan program should be a "student program," not a "banking program." Every student should have a fair opportunity to receive an insured student loan. Banks should not be using the program as a means of increasing "good will" with preferred customers—handing out the attractive 7-percent loans only where there is further banking activity with the student or his family.

When the Federal Government is offering lenders a chance to earn up to 10 percent on these loans, when the Federal Government is giving an absolute guarantee which in itself is worth 1 or 2 percentage points on interest, when the desire is to help all students—in this situation lenders should not be making additional requirements.

I am convinced, Mr. President, that most lenders who participate in this program do so with a sense of public obligation and public conscience. I am hopeful that there will not be too many occasions when the Secretary finds it necessary to enforce regulations and sanction lenders.

For the most part, banks have added these requirements and conditions of further banking activity only during the last year or two when the pressure on interest rate has been severe. As Mr. William Simmons, head of the Insured Loan Division in the Office of Education, testified before the Senate Committee:

> I think in the past year, and particularly since January, (there has been) more and more of what you say, this creeping in of the requirement that they (borrowers) be a customer, they be a good customer, they be a senior or a junior, at least they have a contract relationship for up to five years.
>
> All of these restrictions are coming into

this program for those who have not withdrawn. I am convinced, however, if we can provide this market adjustment allowance and payment, we can return these lenders to the program and open it up again as it was up until about a year ago.

Commissioner Allen made the same observation:

> We have been advised by many lenders who participated heavily in the 1968–69 program that their activity at the 7 percent rate must either be halted entirely or restricted to children of favored customers, on the grounds that they are unable to "break even" in the current market period.

Now that the pressure on interest rate has been relieved, by giving the Secretary discretion to pay lenders an additional 3 percent, Congress has a right to expect that banks will cease from making these requirements. That is why the Senate conferees were willing to let the Secretary make a 5-month study of the situation, after passage of this bonus act. But that is also why we expect the Secretary to take steps and establish sanctions on those few lenders who continue to abuse the program.

To avoid any confusion, Mr. President, I would like to explain the sense of the conferees of what is meant by the phrase "where practicable" in the nondiscrimination amendment. This was not meant to be a loose phrase which could be seized upon by the Secretary of Health, Education, and Welfare to avoid enforcing regulations. Rather it was meant to exempt certain specific situations where lenders have certain membership or other requirements for doing any business with the lender. For example, credit unions and labor unions have minimal membership requirements. Many banks require that a borrower have his residence within the standard "banking area." Other analogous requirements, applied to all persons doing any banking activity with the lender, may come up. These are acceptable, and exempted by the phrase "where practicable."

Mr. President, the guaranteed student-loan program has been increasing rapidly—from $77 million in fiscal year 1966 to $672 million in fiscal year 1969. For the month of August, the total of loans guaranteed was $154 million to 152,000 students—the highest month ever in the history of the program. Passage of this special allowance will allow even greater expansion of the program.

We in Congress have an obligation to see that as the program expands there is no discrimination or other abuse. I intend to follow this matter very closely. I think that the Federal commitment to student assistance is important. I am pleased that Congress is acting positively on the student loan program today.

Finally, Mr. President, I again compliment the distinguished and able Senator from Rhode Island (Mr. PELL). The Senator from Rhode Island must be extremely proud that the first legislative measure he has guided so skillfully through the conference committee and on the floor of the Senate will provide an opportunity for hundreds of thousands of students who labor under financial hardship to acquire loans. It will also provide for expanding the work-study program, the educational opportunity grant program, and the national defense student-loan program—creating additional opportunities for students. I commend the Senator from Rhode Island for his contribution.

Mr. JAVITS. Mr. President, I thank the Senator from Massachusetts (Mr. KENNEDY) for his very kind expression regarding me.

Mr. PELL. Mr. President, I thank my colleagues for the very kind and undeserved words.

I often felt during the conference as if I had a bear by the tail. I must also underline the fact that each member of the conference, no matter how they voted on amendments when they were considered by the committee, and by the Senate, presented a united front to the House in the conference. This is an example which I hope will often be followed in the future. I thank the Senators very much.

Mr. YARBOROUGH. Mr. President, I urge the Senate to adopt the conference report on the Emergency Insured Student Loan Act of 1969.

In this measure, we have tried to cope with the impact of high interest rates upon student financing of higher education. A special allowance up to 3 percent of the loan, will be provided to lenders by the Treasury, to make student loans competitive with other types of credit transactions.

It was the addition of this special subsidy that prompted the Senate to include language in its bill to protect prospective borrowers from discriminations designed to produce other business for the lender. The Senate conferees faithfully reflected the Senate vote of 72 to 21 to prohibit requirements that a borrower, or his family, do other business with the lender in order to get a student loan.

Although the conference modified the language somewhat, I believe we have retained this basic protection. The Secretary of Health, Education, and Welfare is directed to determine the existence and extent of such practices, as well as discriminations against freshmen, and for reasons of sex, color, creed, or national origin. If such discriminations are found, the Secretary is directed to consult with State guarantee agencies, and the Advisory Council on Financial Aid to Students. On the basis of those consultations, he shall make regulations to prevent, where practicable, any practices which he finds have denied loans to a substantial number of students.

The words "where practicable" are intended to give him leeway in devising regulations for credit unions, or other lenders who in their charters or bylaws restrict their activities to members, and do not do business with the general public.

I also call to the attention of the Senate the authorization increases in other forms of student assistance. The national defense student loan program is increased from its present authorization for fiscal year 1970 of $275 million to $325 million. The authorization for fiscal year 1971 is increased from $300 million to $375 million.

Educational opportunity grant authorizations are increased from the present $100 million for fiscal 1970 to $125 million, and from $140 million to $170 million for 1971.

Work-study funds are increased from $250 million for the fiscal year 1970 to $275 million, and from $285 to $320 million for 1971.

These increases reflect the conferees' approach that student aid involves a series of programs. As prospective students crowd to the campuses, and education costs continue their rapid rise, all forms of student aid must rise. I hope the Senate Appropriations Committee will give special attention to the higher level of authorization included in this conference report. Now we need appropriation of funds, not only for the special interest subsidy provided by the bill, for all the forms of student financial aid covered in it.

Finally, I urge all lending institutions to recognize the public service they are being invited to share, and for which they will be compensated by the Federal Government. Without the participation of help of many commercial lenders, higher education in America would be far less available than it is today. The Office of Education estimates that 920,000 more students will be in college in fiscal year 1970, having borrowed $800 million under this program, if the interest subsidy is provided. That is a large share of the 8-million estimated enrollment. Without the help and cooperation of lending institutions, this large number of students could be denied a college education.

But I think the other student aid programs should be enlarged also, and they have been under the Kennedy amendment adopted by the Senate and held, for the most part, in conference.

Mr. MURPHY. Mr. President, as a coauthor and as a conferee of the Insured Student Loan Emergency Amendments of 1969, I am pleased that we are finally completing action on this much-needed measure. I support the conference report.

I have received many letters and phone calls in my office from distressed students. One, in particular, that I recall was from Gary Lockwood, of Anaheim, Calif., who is a student at Brigham Young University. Mr. Lockwood called my office three times, indicating that he would not be able to continue his education without a guaranteed student loan. I contacted the bank involved in Salt Lake City, and the president of the bank was most cooperative. I was pleased that we were able to get the loan approved for Mr. Lockwood.

One wonders, however, Mr. President, how many students across the country were denied loans because of congressional delays in enacting this legislation which, as its name implies, was designed to meet an emergency.

It was estimated by the Office of Education that as many as 200,000 youngsters applying for the guaranteed loan program might be turned down. I certainly hope that this was not the case. Secretary Finch and the administration tried to see that this was not the case by urging that lending institutions across the country make the loans, and many of the banks did respond to this plea.

The legislation will allow the Secretary of Health, Education, and Welfare to provide an incentive allowance above the present 7-percent simple interest rate authorized by the guaranteed student loan program. The incentive allowance, which may not exceed 3 percent, may be paid whenever the Secretary determines the statutory interest limitation or economic conditions are preventing students from getting loans. With the Federal Government paying the incentive cost allowance, there will be no additional cost to the student.

The guaranteed student-loan program was enacted in 1965 for the purpose of providing assistance in financing college expenses for those students from moderate income families who had been excluded from loans and other assistance under the various other Federal student assistance programs. Senators will recall that as a part of the Higher Education Amendments of 1968, we were forced to raise the maximum statutory interest rate from 6 to 7 percent. As a result, 730,000 students received loans last year totaling $670 million. In my State, for fiscal year 1969, 76,054 students received loans totaling over $69 million. Thus, this is a most important program both in the country and in California.

Mr. President, financing higher education is a real struggle for many students and parents. The enactment of the measure today will do much to help meet the rising costs for higher education, and I urge its prompt enactment by the Congress.

Mr. MONDALE. Mr. President, I am very happy that the House and Senate conferees finally reached agreement last week on a bill to expand the guaranteed student loan program and improve other student assistance programs. I urge my colleagues to adopt the conference report today and send this bill to the President for his signature.

Currently, the Federal Government guarantees repayment of loans by banks and other lending institutions to students under the guaranteed student-loan program. A ceiling of 7 percent exists on the interest rate which can be charged to the student under this program. The current bill will provide for an incentive bonus of up to 3 percent to be paid to banks and other lending institutions by the Secretary of Health, Education, and Welfare. This 3-percent interest subsidy, above the 7-percent statutory maximum, is designed to encourage expansion of the program. Under this bill, 7 percent would remain as the maximum rate charged to students.

Two very important principles contained in the Senate version of this bill have been retained. First, the current bill includes increased authorizations for the national defense student-loan program, the college work-study program, and the educational opportunity grant program. The House conferees agreed to the Senate provisions adding a total of $125 million in authorization increases for the national defense student loan program, $60 million in authorization increases for the college work study program, and accepted one-half—or a total of $55 million—of the Senate increased authorizations for the educational opportunity grant program.

These increased authorizations are terribly significant. They will permit the funding of these other student assistance programs at a level consistent with institutional requests. The inclusion of these improvements signifies that Congress is aware of an emergency in all student assistance programs, and wants to improve not only the guaranteed student-loan program, but also other grant and loan programs as well.

Second, this bill retains the principle established in the Senate-passed version which would prohibit discrimination by lending institutions in making guaranteed student loans. The bill requires the Secretary of Health, Education, and Welfare to determine whether discrimination—on the basis of color, national origin, or sex or in the form of requiring an applicant—as a condition for receiving a guaranteed loan, to do additional banking with the lending institution—exist in the guaranteed student-loan program. The Secretary is further required to report his findings and recommendations to Congress by March 1, 1970, and to prevent any discriminatory practices which he has found deny a substantial number of students the chance to receive a guaranteed student loan.

I believe this nondiscrimination provision is a central issue in this bill. The bill is a "student bill." This provision will insure that lending institutions receiving a Federal guarantee and a Federal subsidy do not use this program as a tool to generate more business or evade the interest ceilings.

I believe that most lending institutions, in the public interest, will not discriminate in their allocation of guaranteed student loans now that a Federal interest subsidy assures an equitable return on the loan. This provision will simply protect students against the possibility that the program is misused.

I am pleased that Congress has acted to improve the guaranteed student-loan program and the other Federal student assistance program, and I intend to watch very closely the progress that takes place as a result of this bill.

Mr. PELL. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

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## LATIN AMERICA: WILL WE MEET THE CHALLENGE OF THE 1970'S?

Mr. JAVITS. Mr. President, I rise on this occasion to talk about United States-Latin American relations on this the 477th anniversary of Columbus' discovery of America. The America Columbus discovered, of course, was the Caribbean—the Bahamas which he named San Salvador and Haiti. This should remind us that we began this great adventure of the Americas together—and since that time, for better or for worse, our fortunes have been linked.

I also wish to welcome to Washington the ministers of labor and other distinguished guests who are delegates, as I am, to the Third Inter-American Conference of Ministers of Labor on the Alliance for Progress. I hope the Conference will be fruitful and will lead to strengthened labor movements, social security systems, and labor ministries throughout Latin America.

As we survey the past and look to the future, it is clear that United States-Latin American relations are in ferment. On an even larger scale, relations between the developed world and the developing world are in ferment, and our mutual actions in the coming years will determine whether the new wine will be good or bitter.

If 1969 has been the year of study, then 1970 must be the year of action. We are in debt to Robert McNamara for commissioning the report of the Commission on International Development entitled "Partners in Development" and to Lester Pearson and his distinguished staff for preparing it. We are eagerly awaiting the Jackson study on the capacity of the United Nations system in development assistance; Raul Prebisch is preparing a study under the auspices of the Inter-American Development Bank. And finally President Nixon, in response to my amendment to the Foreign Assistance Act of 1968, has just named a Presidential task force under Rudolph Peterson of the Bank of America to review and to give new direction to our own foreign assistance program. These studies should enable us to define new priorities for the critical decade of the 1970's—the second development decade.

But I think it would be naive to assume that the full burden for development rests with such developed countries as the United States. In many developing countries, the governments in power must first endeavor to strengthen their ties with their own people as a necessary first step. Our experience has taught us that in the United States, as in Latin America, nations can only be as strong as their people, and as the local institutions these peoples establish and work through to fufill local needs.

In Latin America, those who resort to the tactics of highjacking, kidnaping, and political murder in the attempt to further extremist ends only debilitate the freedom they allegedly seek. Expanded cooperation among Latin American countries must also precede concerted joint efforts abroad, if progress is to be made. Among other things our neighbors to the South should more clearly define their national and regional aspirations, revitalize their self-help measures, increase their awareness of the high costs of unchecked population expansion, revise outmoded land tenure systems and initiate new money and credit policies if a more meaningful life is to be created for their citizens.

I have been encouraged to note that the 21 governments of Latin America—in an unprecedented step of cooperation—have joined together in drawing up a document, the Latin American Consensus of Viña del Mar, setting forth their aspirations in the trade and aid fields. This cooperation is to be welcomed and perhaps signals the day when these 21 governments—or many of them—will

take additional steps needed to form a truly great Latin American common market.

It is clear to all of us that time is short, and that we will either make this new mutual commitment to walk forward together, or our paths may increasingly diverge and cumulative mutual recriminations may progressively move us apart. The pressures for a new and sterile neoisolationism are as strong in the United States as are the pressures that could lead to greater fragmentation in the countries of Latin America.

To avert these dangers, I call upon North America, Central America, the Caribbean, and South America to commit themselves to a decade of mutual cooperation during the 1970's—a decade which should be characterized by greater self-help measures by the countries of Latin America and by a renewed commitment by the United States to cooperate with Latin America in the implementation of these self-help measures. I visualize this hemispheric commitment as going beyond even the worldwide planning effort toward better relations between the developed and developing countries underway within the World Bank family and the United Nations system. Hopefully, Governor Rockefeller's report, which will not be released until after the President speaks on October 31, will form a key building block in our policies.

I have developed a seven point program which, I believe, addresses itself to priority areas that our policymakers should consider. Here are my specific recommendations:

First. Tariff preferences: I call on the Nixon administration to reaffirm the U.S. Government's commitment to the prompt establishment of a system—and to work to get it adopted—through which the developed countries of the world would grant nonreciprocal, nondiscriminatory generalized tariff preferences to the developing countries.

I propose that a new organization comparable to the General Agreement on Tariffs and Trade be created to oversee this global preference scheme. Perhaps this new organization could be formed from the appropriate sections of the GATT and UNCTAD which have already carried out considerable work in this area.

Under my proposal, all developed countries would agree to grant all developing countries across the board tariff preferences in amounts equal to, in the first instance, historic trade amounts. As it is development we are seeking to sponsor, the formula adopted should make provision for preferential entry, in reasonable amounts, of manufactures and semimanufactures of developing countries including those that may not now be produced or exported by them. Moreover, provisions for further orderly growth of these exports should be built into the scheme. Appropriate burden sharing provisions would also have to be worked into this formula.

What I would like to emphasize at this time is that all the developed countries would join the United States in the granting of such preferences. I am not envisioning a unilateral U.S. tariff concession, but tariff concessions taken in concert with all other developed countries. As the global tariff preferences come into effect, the developed countries would move toward the elimination of the special preference systems—and I have in mind those of the United Kingdom and the EEC—which now exist. These would no longer be needed.

The United States first committed itself to a global preference scheme at the Conference of American Presidents held in Punte del Este in April 1967, and again accepted this basic commitment at the second meeting of the U.N. Conference on Trade and Development held in New Delhi in early 1968. The Latin American states continue to push the United States to reaffirm this commitment to a nondiscriminatory global system of tariff preferences, and I urge this administration to do so now, thereby maintaining the momentum among many developed and developing countries for the establishment of such a system. It must be recognized that pressures for the establishment of regional preferential systems remain strong—that some developed countries continue to promote reverse schemes, thereby attempting to maintain trade spheres of influence—and that such pressures will become stronger if a global nondiscriminatory system of tariff preferences for the developing world is not soon established.

I would caution that if developing countries which now enjoy special trade preferences in developed country markets, such as France and the United Kingdom, do not opt to relinquish these preferences as a global-preferences scheme is put into effect, the United States may be compelled within the reasonable future to offer preferences to only those developing countries which do not already enjoy preferences in other industrialized country markets. The countries of Latin America and eight other nations do not presently enjoy preferential tariff access to any industrialized country markets.

Second. Agricultural development: It is clear to all of us that agriculture is not making its maximum contribution to the development of Latin America. Perhaps, outside of the area of population control, this is the most pressing problem facing Latin America. Overcoming this problem of low productivity in agriculture is crucial. Consequently, urgent consideration must be given by the United States and Latin America to new efforts at regional and international cooperation in the agricultural area which would in a more dynamic way:

Establish as the primary assistance goal of the United States for rural Latin America the support of measures directed toward doubling the income of subsistence and small farm operators in the next decade and toward requiring medium and larger landowners to put their inadequately utilized land resources to work;

Double U.S. capital development support for sound, repayable loans which concentrate on creating new work opportunities for rural low-income workers and small farm operators;

Provide loans capable of increasing by 50 percent the existing supply of technically trained agricultural people in 10 years;

Help to establish a rural development insurance corporation to guarantee World Bank, AID, IDB, and Latin American private sector capital and bank loans for crop and livestock production and marketing projects to operators on small- and medium-sized farms who do not otherwise possess adequate loan security; and

Help to create pride in rural life through primary and secondary school education.

Latin America now produces over 95 percent of its food requirements and has increasingly effective institutions evolving. In addition, the fact that only one-third of its arable land resources are now in use and these operate at an exceedingly low level of technological advancement points out its future potential. Increased emphasis must immediately be placed on expanding the Latin American food production capacity to the maximum in the decade ahead. The U.S. aid program should continue to accord this area priority treatment—and increased development assistance funds may be necessary to implement my suggestions.

Third. Private investment: I have long been convinced that private foreign investment can play a greater role than it already has in the developmental process. ADELA and PICA are proud examples of my own efforts in this area. I am hopeful that Congress will provide the authority under this year's foreign assistance legislation to establish an overseas private investment corporation.

Philippe de Seynes, Under Secretary General of the United Nations, has just written me that a regional Latin American foreign investment panel sponsored by the U.N.–OAS–CIAP and the Inter-American Development Bank may be convened in early 1970. Mr. de Seynes informs me that this meeting, which is a highly welcomed initiative, will bring together high-level government representatives with senior executives of major industrial and financial enterprises in the industralized countries and in Latin America to consider specific measures for increasing the flow of foreign private investment to countries of the region. While this may not be the topic of the conference, I am convinced that we must begin looking toward the formulation of a hemispheric or worldwide charter spelling out the rights and obligations of recipient countries and private foreign investors with the eventual end of providing the protection of international law to such investors. The role of private investment in regional economic integration schemes also deserves priority explanation.

I have become increasingly convinced that as we move toward a world of multinational corporations—a world increasingly characterized by such joint ventures—we must give more attention to the development of investment guarantee programs that will not only partially protect the capital of developed countries invested in the developing world, but will also guarantee the risk

capital invested by indigenous private investors in developing countries. Indeed, it would be wise if our own measures help to strengthen the role of private enterprise in Latin America precisely by strengthening private Latin American entrepreneurship.

Fourth. Military assistance: I recommend that military assistance programs and U.S. military missions in Latin America be subordinated to our political, economic, and social objectives in Latin America.

I do strongly believe, however, that our Latin American military missions can be reduced and that it is a rationalization that is essential. Large military missions are not only costly, but often counterproductive from a political point of view. In Latin America today, most of the population live under military rule—unfortunately, a far greater number than in 1960. Given the conspicuousness of our military programs and military missions, many Latin Americans are convinced that these programs contributed to the rise of the military in Latin America over the past decade. That the military continues to intervene in the political affairs of most Latin American countries, and that we helped train the military are indisputable facts. That some military posture is natural in Latin America and that we, not the U.S.S.R., should help reasonably is less understood. But, the overall impact of our programs in Latin America must be to show clearly that military aid is ancillary and only supportive to aid to the people for economic, political, and social development. The fact is that we have alienated large segments of the civilian population in various Latin American countries, that anti-military political groups have rioted against the United States as a symbol and even against our Presidential emissary to express their discontent with our policy and with their own military governments. This has resulted in a serious loss of influence by the United States on many major issues. Here is an aspect of our policy urgently in need of both clarification and better understanding at home as well as in Latin America.

In making this suggestion, I realize that while the role of the military may be changing in Latin America, none of us can afford to forget the words in both the new and old OAS Charter which state:

> The solidarity of the American States and the high aims which are sought through it, require the political organization of those States on the basis of the effective exercise of representative democracy.

Fifth. Voluntary programs: Municipalities and voluntary programs should be encouraged substantially to expand ongoing people-to-people programs and city-to-city programs to strengthen the personal bonds presently linking our two continents. More communities should commit themselves to this modern day version of the good neighbor policy. I commend for instance efforts such as those going forward under the Inter-American Commission for Women of the OAS through which the League of Women Voters in the United States cooperates in the training and organization of South American women.

The ties between the Americas also can be strengthened by increased tourist travel between the two hemispheres. I am encouraged to see that an unprecedented number of Latin Americans have been visiting the United States. With a proper investment in tourist facilities, there is no reason why a steadily increasing flow of North Americans should not spend their holidays in Latin America. Before this can happen however, Latin American governments must give increased emphasis to the creation of an appropriate tourist infrastructure in terms of hotels, travel facilities between cities, and better informational service, among other things. A greater commitment on the part of Latin American governments to tourism could assist the development of their economies as well as to further North American-Latin American understanding.

Looking far down the road, I can envisage the day when bilingualism will be the order of the day in both North and South America. This world is rapidly shrinking, as many of us are realizing—and this is particularly true of New York politics—that fluency in Spanish is a definite asset. This will be increasingly the case for the businessman, the student, the politician, and the peoples of our two hemispheres. The communications revolution will hasten this process.

Also, it is just a question of time before an inter-American satellite becomes operational. Since 1966, I have been pressing for the establishment of a continentwide Pan-American television satellite system to promote especially better interchange between the Americas in education and culture. I understand that the Nixon administration is giving this proposal serious consideration. I promise this distinguished forum that when such a system becomes operational, I will make my maiden speech—in Spanish—over this network. Seriously, though, closing the communications gap—this giant barrier to meaningful understanding—is one of the most urgent tasks we have before us to strengthen the inter-American system.

Sixth. Additional U.S. aid: The U.S. Congress must recognize that by geography alone, Latin America has a special relationship with the United States. The strengthening of this relationship will be increasingly important to the United States for economic, social, and moral reasons. Also, as the case of Cuba so clearly shows, its weakening could have definite detrimental aspects to our national security as well. The Congress should revive an earlier initiative and allocate additional resources ranging from $250 to $500 million over a specified time period above and beyond present allocation levels, to strengthen the drive for Latin American economic integration. The drawdown of such new resources would be contingent on measures Latin America takes to implement the declaration of Presidents made at Punte del Este, "to create progressively, beginning in 1970, the Latin American Common Market, which shall be substantially in operation in a period of no more than 15 years." I realize that the decisions facing Latin American countries on economic integration are complex and difficult and that only they can make them. But early action is urgent for accelerated development, and the United States should be ready with substantial funds to assist during the transitional period. This investment would be most wise to help attain greater economic independence and social and political stability with tangible and intangible benefits for the United States far exceeding the cost.

It should be noted that encouraging progress has been made in this direction, particularly in regional integration schemes. The additional $250 to $500 million I am urging the Congress to provide would be used to support these and subsequent Latin American moves toward regional integration. These funds, in conjunction with the increased funds being made available to Latin America by the World Bank and the Inter-American Development Bank, would be used to support such worthy initiatives as the Central American Development Bank, the Andean Development Corporation, and the Caribbean Development Bank when it becomes operational.

Seventh. Special drawing rights: Finally, the developed countries of the world should give special consideration to the idea of linking their creation of special drawing rights—SDR's—in the IMF with assistance to developing countries. The multilateral creation of SDR's in addition to expanding the supply of international liquidity, also offers the opportunity to finance transfers of real resources to developing countries. I am aware of discussions of this proposal that have taken place at the recently concluded IMF–IBRD annual meeting, and urge that this matter be given prompt international attention.

While my seven points do not deal with population control, let me emphasize that I fully support the priority accorded this area in the Pearson commission report and commend Bob McNamara's recent announcement that the World Bank family will be undertaking accelerated efforts in this area.

In assessing the prospects for the implementation of these recommendations, I also realize that many in the Congress and elsewhere may have another point of view. But I believe that our priorities as a great nation would be ill-served if the AID program and particularly the Alliance for Progress bore, through cuts, the brunt of our concern over the U.S. budget. Furthermore, I do not share the feeling of those, who, because of their revulsion against the Vietnam war, feel that we should draw back from our AID commitments, from the alliance and related international development activities.

It is my contention that part of the U.S. disillusionment with the progress Latin America has made and with the AID programs in general results from a misreading of the development process. We have failed to realize—and I believe that we similarly misread the discontent erupting in our cities—that the process of social and economic development is inherently destabilizing. Those

who revolt are not utterly without hope; those who revolt are the ones who have begun to achieve, who have begun to hope, whose expectations are rising, who are involved. Our problem, be it in our cities or in our Latin American development programs, is to meet more rapidly the rising expectations while fully expecting instability. David Bronheim, a distinguished economist, has recently testified before the Foreign Relations Committee, that "the problem then is not how to preserve stability, but rather how to keep the instability within a range that does not threaten growth."

It is a test of the greatness of our Nation that we maintain our developmental assistance in spite of this instability—again whether it be in our own cities or in Latin America. Having promoted development and having reaped the perhaps unexpected but transitional "reward" of increased instability—I repeat, the transitional "reward"—we should not now abandon the effort. We should continue what was started, not because our national honor is at stake, but because it is necessary and, yes, because it is hoped and expected of us not only by the developing countries, but also by the other developed countries of the world which are following our lead.

The United States has just successfully landed the first man on the moon. This act, more than any other, will usher in the decade of the 1970's. It signifies the fulfillment of one of the major commitments made by President Kennedy in the early 1960's. Another of these commitments made in the early 1960's, the commitment to the first development decade will not be adequately fulfilled by the end of this year.

In consequence, it is especially imperative that we maintain our commitment to economic and social development of the developing countries of the world in the decade ahead. Congress must recognize that for the United States to continue its world leadership role, it must maintain an assistance program at a level at least proportionate to those of other developed countries of the world. Indeed, our standing in the world community depends as much on this as it does on our landing of the first man on the moon.

## ORDER OF BUSINESS

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Senator will state it.

Mr. JAVITS. Do I still have time remaining?

The PRESIDING OFFICER. The Senator has 5 additional minutes remaining.

Mr. JAVITS. I have a little morning hour business. If it is convenient I will deal with it now.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Will the Senator first suggest the absence of a quorum so that Senators will know we have arrived at the period for the transaction of routine morning business?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that it not be charged to me.

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

Mr. JAVITS. I thank the Chair.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The Chair wishes to state that in accordance with the previous order the Senate will proceed now to the consideration of routine morning business.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## A MESSAGE FROM THE PRESIDENT—URGENCY OF LEGISLATIVE PROPOSALS (H. DOC. NO. 91–178)

Mr. KENNEDY. Mr. President, I ask unanimous consent that the message received today from the President of the United States urging enactment of various proposals of the President submitted to the 91st Congress, since the jurisdiction of so many committees is involved, be ordered to lie on the table, and that the message be printed in the RECORD.

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

The message of the President is as follows:

*To the Congress of the United States:*

In the nine months since Inauguration, a number of issues have arisen clearly calling for the Congress and the Administration to work together.

One such issue was the extension of the surtax, where our economic security was involved. Another was authority to build the Safeguard ballistic missile defense, where the national safety was the issue. On both occasions, when the time came to be counted, Congress subordinated partisan concerns and voted the country's interest.

The continuance of this working partnership between a Congress heavily Democratic and a Republican Administration, on occasions where great issues are involved, is imperative for the good of our country. I hope this partnership will survive the "spirit of party" that grows more evident weekly in the National Capital. Yet, in recent days, the call to partisan combat has grown more compelling.

I am aware that members of the Administration have criticized the Democratic-controlled Congress for "dragging its feet" in the enactment of legislation, for holding hearings thus far on only half the Administration proposals before it, for having enacted but a single appropriations bill for fiscal 1970, a full quarter of the way through the fiscal year. From Capitol Hill there have come similar charges—that the Administration has been laggard in proposing legislation, that the Executive Departments have been slow in giving the Congress the reports it has requested, that some of the most far-reaching Administration proposals have only lately been sent to the Congress, and so cannot be acted upon by the end of the year.

If a working partnership between men of differing philosophies and different parties is to continue, then candor on both sides is required. There may be merit in both charges; neither the Democratic Congress nor the Republican Administration is without fault for the delay of vital legislation.

But, in my view, the American people are not interested in political posturing between the Executive Branch and Capitol Hill. We are co-equal branches of government, elected not to maneuver for partisan advantage, but to work together to find hopeful answers to problems that confound the people all of us serve.

Both the President and Congress have been commissioned by the same American people, for a limited time, to achieve objectives upon which the great majority agree. For our part, we are willing to travel more than half-way to work with Congress to accomplish what needs to be done. The time for staking out political claims will come soon enough.

Let us resolve, therefore, to make the legislative issue of the 1970 campaign the question of who deserves greater credit for the Ninety-First Congress' record of accomplishment, not which of us should be held accountable because it did nothing. The country is not interested in what we say, but in what we do—let us roll up our sleeves and go to work. Before us are urgent legislative priorities.

The legislative program of this Administration differs fundamentally from that of previous administrations. We do not seek more and more of the same. We were not elected to pile new resources and manpower on the top of old programs. We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century.

Some months ago, a Washington columnist wrote in some pessimism that if ours is not to be an age of revolution then it must become an age of reform. That is the watchword of this Administration: *REFORM.*

*REFORM OF THE DRAFT.* I have asked Congress to make the most extensive changes in the way we select young men for military service since the draft became an accepted feature of American life. We have the administrative power—and we will exercise it if Congress fails to act—to make far-reaching reforms in the selective service system, reducing the period of prime vulnerability for young Americans from seven years to 12 months. However, we need Congressional approval to shift from the inequitable requirement of choosing the "oldest first" to the more just method of random selection. I asked Congress five months ago for this power;

I ask again today. Basic fairness to our young people is the prime reason for this recommendation. I see no reason why this vital piece of legislation cannot be enacted *now*.

*REFORM OF THE WELFARE SYSTEM*. Last summer I asked Congress to make the most sweeping changes in the American system of welfare since the beginning of the New Deal. Last week legislation went to Congress outlining the proposal I have made for a new family assistance system to replace the demeaning and bankrupt system that now exists.

Under the present system, sometimes a father must desert his wife and children to make them eligible for benefits. Under the present system, some mothers with three children must survive with only $39 a month for the entire family to live on.

The family assistance system is built on a different set of principles. It provides incentives for families to stay together. It provides economic rewards for men and women on welfare who enter training programs and search out jobs. It provides a floor under income that assures the minimum necessary for food and clothing and shelter.

The present system has led this country into a morass. It has laid a heavier and heavier burden on the American taxpayer. It has loaded the relief rolls with more and more families even in times of rising prosperity and low unemployment. I ask that Congress begin hearings on the new family assistance system at once. The welfare system should be abandoned as quickly as we can discard it and a new system established in its place.

*REFORM OF THE TAX CODE*. In April I recommended to Congress the most comprehensive set of tax reforms in many years. Subsequently the House of Representatives responded with an even more far-reaching proposal of its own. The national momentum behind tax reform—to make the code more fair and equitable, to shift part of the burden from those who have borne too much for too long to the shoulders of others who have not carried their fair share—must not be allowed to dribble away while a partisan wrangle goes on over who deserves the political credit. We will give Congress as much assistance and as many hours of labor as it requires to enact extensive and responsible reform in this calendar year.

I do ask, however, that Congress, in acting on this major reform, not compromise this Administration's effort to combat the most unjust tax of all, inflation. Specifically, I ask that Congress not convert this historic tax reform legislation into a sharp tax reduction that would unbalance the Federal budget and neutralize our campaign to halt the rising cost of living. I ask again that Congress repeal the seven percent investment tax credit, and extend for another six months the income tax surcharge at one-half the present rate. To fail to take these steps would be an abdication by Congress of its vital role in controlling inflation.

*REVENUE REFORM*. For the first time in the history of this government, we have recommended a national policy of permanent sharing of the Federal income tax revenues with the States and lesser political units in the country. For years, political students and leaders have contended that governments at the State, county and local levels have lost their creativity and lost the capacity to respond because they lack access to the great source of growing revenues available to the Federal government. I have recommended that Congress set aside a rising portion of Federal revenues each year and transmit them directly back to the States and communities to spend as they see fit and not as Washington sees fit. This concept has been debated by both parties and recommended by their majorities for years. The time has come to move it off the plain of discussion to make it a reality. I urge the Congress to move.

*POSTAL REFORM*. For more than a decade the American people have complained increasingly of the rising cost of postal service accompanied step by step with declining service. Today the United States postal system is inferior to that of many countries of Western Europe; it is grossly inadequate to the needs of our society. The nation has known this for years. I have acted in that knowledge—recommending that the existing postal system be scrapped, that a government-owned corporation replace the United States Post Office, that business principles replace partisanship in its management, and that merit and performance—rather than political affiliation—be the new criteria for appointment and advancement. Three years ago this month the Chicago postal system, a microcosm of the national system, collapsed under a flood of mail. The rapid delivery of mail is not a partisan issue. Distinguished leaders, of both parties, have endorsed the precise reform I have recommended. There is no reason why the Congress cannot enact the most complete reform of the United States Post Office in the Nation's history—by the close of this session.

I am aware of the setback which postal reform sustained in a House Committee on October 8. That action must be reversed. I shall persist in behalf of both the taxpayers and the mail users in this country to press for this urgently needed reform. I still believe enactment should come by the end of this session of the Ninety-First Congress.

Here I must again urge responsible Congressional action, and promptly, on the proposed increase in postal rates for all three classes of mail. When this Administration entered office in January, it confronted a deficit in the postal budget for fiscal year 1970 of more than $1.2 billion. We are already three months into that fiscal year—and this deficit is being underwritten by the taxpayers, rather than the users of the postal service, who should rightly bear the cost. I recognize that such a measure is hardly a political delight. Yet it is required in the interest of equity and fiscal integrity. I request the Congress to face up to this task.

*MANPOWER REFORM*. The history of the 1960's chronicles an intense political debate that has resulted in the old centralism of the thirties losing converts to the new federalism of the seventies. More and more progressive men in both parties have become convinced from the failures of programs run from Washington that important areas of government decision-making must be returned to the regions and locales where the problems exist.

I have attempted to take that conclusion out of the forum of debate and into the arena of action—Congress. I have recommended that management of a Federal program—the multi-billion dollar manpower training program—be consolidated, and turned over in a three-stage operation to the States and communities to run in a way that fits the needs of the immediate areas involved. No reform of this magnitude has been attempted since centralism became the dominant national trend at the depths of the depression. This recommendation represents the beginning of a revitalized federalism, the gradual transfer of greater power and responsibility for the making of government decisions to governments closest to the people. I urge swift Congressional action.

*SOCIAL SECURITY REFORM*. I have requested an across-the-board increase of ten percent in Social Security benefits to compensate elderly Americans for the losses they are suffering because of an inflation they could do nothing either to prevent or avoid. In addition, I have proposed a new reform, an escalator in Social Security to insure that benefits will rise correspondingly whenever the cost of living goes up. When this reform is enacted, never again will those Americans least able to afford it be made to bear the brunt of inflation. These necessary steps can and should be taken by Congress before the end of this year.

One word of caution. I know the political temptations here. Why not balloon the benefits now, far above 10 percent, for political rewards in 1970? I remind the Congress that it is long since time that we stopped the political over-reactions which fuel the inflation that robs the poor, the elderly, and those on fixed incomes. I urge Congress to hold to this ten percent figure—and let the new escalator protect older Americans against the possibility of future inflation.

A second reform I have proposed is to alter the system of social security to encourage and reward the workers who want to go on working past age 65—rather than discourage them. I ask Congress to enact this measure without delay.

*REFORM OF THE GRANT-IN-AID SYSTEM*. Among the first major pieces of legislation I asked of Congress was authority to make uniform the requirements for participation in many grant-in-aid programs that have proliferated in the last five years. If we are granted the power to draw these programs together, to group them by function—setting far more simple regulations—then States and communities will participate more and Congress' original purposes will be better served. We need that authority *now*. I know of no reason for delay.

*ELECTORAL REFORM.* While I originally favored other methods of reforming the electoral college system, I have strongly endorsed the direct popular election plan approved by the House. I hope the Senate will concur so that final favorable action can be completed before the end of this session. This must be done if we are to have this needed reform amended to the Constitution in time for the presidential election of 1972.

*D.C. GOVERNMENT REFORM.* For years there has been broad support for granting the people of Washington, D.C., the same right to Congressional representation other Americans have always prized, and the right to conduct their public business themselves. The Federal city has been a federal colony far too long. Months ago I presented to Congress a program to bring about the orderly transfer of political power to the people of this community. I recommended a constitutional amendment giving the District of Columbia at least one Representative in the House and such additional Representatives as Congress may approve, and providing for the possibility of two United States Senators. I urged Congress further to grant the city one non-voting Congressional representative in the interim, and recommended creation of a commission to prepare and present to Congress and the President a program to improve the efficiency and competence of the District government—looking to the day of complete self-government. Favorable action has been taken by the Senate. I ask that this work be completed before the end of the year.

*OEO REFORM.* I have provided the Office of Economic Opportunity with a new director, a new structure, and added responsibilities as the research and development arm of the nation's effort to deal with the problems of the poor. OEO is now strengthening its present operating programs, including the Community Action Agencies, VISTA, Legal Services, Neighborhood Health Centers, Family Planning, Emergency Food, Rural, Older Persons, Indian and Migrant Programs. In addition, there is new emphasis on research, the evaluation of existing Federal social programs, and developing and testing new approaches in community and economic development, manpower and education to assist the poor to move into the economic life of the nation. I have asked for a two-year extension of the existing legislation, without crippling amendments. I believe that a reformed OEO has a major and continuing role to play in our national life. Here again, there is no need or justification for further delay.

In recent years the Federal Government has suffered a precipitous decline in public confidence. The reason can be found in the chronic gap that exists between the publicity and promise attendant to the launching of a new Federal program—and that program's eventual performance. If confidence in government is to be restored, the gap must be closed.

This is the purpose of the foregoing proposals and great goal of this Administration—not to establish some new arithmetical record for the number of programs proposed, but to do more than other Administrations have done—to devise new approaches, to make the worthy old programs work, and to make old institutions responsive. It is for this that we prize the mechanics and engineers of government who retool and improve its machinery as much as we do the planners and the idea men who develop new programs and new agencies. There is little publicity and less glamor in the labor of the mechanics and engineers of government but, with billions in tax dollars invested in scores and scores of on-going Federal programs, the need is certainly greater. Let us together make government's performance and responsiveness more commensurate with its size.

*REFORM OF FOREIGN AID.* Our foreign aid program, sent to Congress in May, differs from earlier programs in three significant ways. First, it would place greater emphasis on technical assistance, especially in the areas of agriculture, education and family planning, where the return would be greatest when measured in terms of national and human development. Second, the new program would create an Overseas Private Investment Corporation to provide a greater thrust for the channeling of private investment to the low-income countries. Third, it would increase the share of our assistance contributed through multilateral institutions.

I know of the economic miracles which foreign aid has helped create in Western Europe and in parts of Asia. I know also that our program is far from perfect. With this in mind, I have recently appointed a Presidential Task Force on International Development, charged with proposing new approaches to aid for the 1970s.

One fundamental question must be faced as Congress prepares to vote on this issue: will we in the United States live out our lives in comparative affluence, while denying reasonable help to those who are our neighbors in the world community and who are struggling to help themselves achieve a better life? To enable us to answer this question positively, I have requested $2.7 billion—the smallest request in the history of the U.S. aid program but an amount vitally needed to maintain our relationship with the developing world.

In addition to the reforms already cited, I have made other recommendations that call for new commitments by the Federal government, and offer more hopeful avenues of progress than the paths of the past.

Specifically, I have asked Congress to:

—establish a national computer Job Bank, which would enable the unemployed and the employer to come together through a computer matching system. The bank would have "branches" in every major labor market in the country. No longer would men have to go without work solely because they did not know where to find jobs.

—commit this country to the most extensive improvement of the nation's air facilities in history. Under this program, the annual Federal appropriation for improving air facilities will rise from $3 million a year—the average of the last decade—to $250 million annually over the next decade. I have proposed further aid for airport development of $2.5 billion dollars in Federal funds in the next ten years to be matched dollar-for-dollar by the States and local governments. This will mean an added $5 billion in funds for airport development. It will mean a running start on the national effort to build for the doubling of airline traffic expected by 1975 and its tripling by 1980.

—commit this country to the redevelopment of the nation's deteriorating public transportation system by providing an unprecedented measure of Federal support. In the six-year period ending with fiscal 1970, some $800 million will have been authorized by Congress to aid the nation's deteriorating public transit industry. I have proposed raising that commitment to $3.1 billion over the next five years and to a total of $10 billion over the next twelve.

—enact the most extensive improvements in the Federal-State unemployment system in a decade, with coverage extended to an additional 4.8 million workers, mostly low-income, with an automatic extension of benefits to workers during times of high unemployment.

—enact the strongest mine health and safety bill in history, one which empowers the Secretary of the Interior to upgrade health and safety standards for coal mines as the technology develops.

—establish a national occupational health and safety board, with power to set standards to protect workers.

—empower the Equal Employment Opportunity Commission to bring suit in a Federal District Court to enforce federal laws against discrimination.

—ban literacy tests as a prerequisite for voting throughout the United States.

NEW INITIATIVES

*THE HUNGRY.* For many years, in this richest of societies, we have heard rumors of malnourished children and hungry men and women. Now we know these rumors are true. This realization has prompted us to a commitment—that we eliminate every vestige of hunger and malnutrition from America. I have asked Congress to help us assure that every American family can have a nutritionally complete diet; I have asked that the poorest members of our national community be provided with food stamps free of cost.

The Senate has shown a willingness to join in this commitment and has acted with dispatch. I urge the House to move so as not to prolong any further the day when the ancient curse of malnutrition and hunger is eliminated in this most modern of nations.

*POPULATION.* There is a widely-recognized correlation between population growth and poverty in the under-developed nations of the world. I have asked Congress to support our endorsement of those individuals and organizations seeking voluntary answers to this global question in other lands.

To approach this question as it applies at home, I have called on Congress to create a national commission to undertake now a study of how the nation is to provide for the 100 million new Ameri-

cans expected before the turn of the century.

Beyond this, I have asked that a new philosophy become American government policy. We will interfere with no American's freedom of choice; we will infringe upon no one's religious convictions; but we shall not deny to any American woman the family planning assistance she may desire but cannot afford. That is the goal I ask Congress to support.

THE CONTROL OF CRIME

There is no greater need in this free society than the restoration of the individual American's freedom from violence in his home and on the streets of his city or town. Control and reduction of crime are among the first and constant concerns of this Administration. But we can do little more unless and until Congress provides more tools to do the job. No crisis is more urgent in our society. No subject has been the matter of more legislative requests from this Administration. Yet, not a single one of our major recommendations on crime has been acted upon favorably. I have not even received yet the budget appropriation for the Department of Justice for this fiscal year which is three months old. In light of the rising crime statistics in the country—and in the Nation's Capital—I again call upon Congress to become a full-fledged ally in this national campaign.

*ORGANIZED CRIME.* To intensify the national effort against organized crime, I have asked for an arsenal of new legal weapons:

— a doubling of existing resources for the organized crime effort;

— authority for Justice Department agents to enter any community and shut down large-scale gambling operations;

— a modern general witness immunity statute under which witnesses in Federal criminal cases could be compelled to testify under threat of a prison sentence for contempt;

— finally, because organized crime would shrivel up without its enormous gambling resources, and because illegal gambling on a large scale cannot go on without cooperation of corrupt law enforcements, I have asked Congress to make corruption of local authorities who are tied in with such gambling operations a Federal crime. I must stress the great urgency of these measures. Let the Congress act—*now.*

*D.C. CRIME.* To deal with the increase in crime in the District of Columbia I have asked for an expansion and strengthening of the entire system of law enforcement and criminal justice, including a fundamental reorganization of the courts. I have stressed the urgent need for more police, more judges, more prosecutors, more courtroom space, a new public defender's office, better penal and rehabilitation facilities and reform in the procedures for dealing with juvenile offenders. Crime in the District of Columbia continues to rise to new records with each month. We cannot contain or control it with existing resources; we need more men and money; we need a speedier trial system and, as important as any other measure, the power to keep hard-core criminal repeaters in the District of Columbia off the streets, so they are not committing five and six crimes before they are ever brought to trial. The Congress should act—*now.*

*NARCOTICS.* In the Federal effort against the illicit narcotics trade, I have submitted a major revision of all Federal narcotics laws and requested more men and money to deal with a problem that long ago outstripped the capacity of government at every level. Existing manpower and resources are stretched to their elastic limits—they are demonstrably inadequate. We have to have the cooperation of Congress to attack this terrible problem. Let's get at it—*now.*

*PORNOGRAPHY.* To prevent the use of the Nation's postal system for the mailing of unsolicited sex-oriented materials to families that do not want the material and to children to whom it might do psychological harm, I offered three legislative proposals that will protect American citizens from the barrages of the filth peddlers, and will also be consistent with the decisions of the U.S. Supreme Court interpreting the First Amendment. These bills are still in Congress. I ask that they be promptly enacted.

These are among my major legislative proposals in these first nine months in office. I believe they speak directly to the needs of a Nation in distress. I can see no legitimate reason why—with good will and cooperation between us—we cannot make the great majority of these urgently needed programs law before the end of the year. We should have all of them—as well as the others now pending—on the statute books well before the Ninety-First Congress enters the history books.

To that end, I again pledge the cooperation of this Administration.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1969.*

## EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED INTERCHANGE OF JURISDICTION OF CIVIL WORKS AND NATIONAL FOREST LANDS

A letter from the Secretary of the Army and the Under Secretary of Agriculture, transmitting, pursuant to law, notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and national forest lands at Libby Dam and Reservoir in Montana (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF DEFENSE CONTINGENCY DISBURSEMENTS

A letter from the Secretary of Defense, reporting, pursuant to law, disbursements made against the "Contingencies, Defense" Account from current and prior fiscal year obligations during fiscal year 1969; to the Committee on Appropriations.

REPORT ON PROPOSED CONSTRUCTION PROJECTS FOR THE ARMY RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, with respect to certain construction projects proposed to be undertaken for the Army Reserve; to the Committee on Armed Services.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the review of U.S. policies and procedures for obtaining NATO cost sharing of military construction projects in Europe, Department of Defense, B–156489 (with an accompanying secret report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of internal audit activities, exclusive of the Internal Revenue Service, in the Department of the Treasury, October 13, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION ESTABLISHING A PROGRAM FOR THE PRESERVATION OF ADDITIONAL HISTORIC PROPERTIES THROUGHOUT THE NATION

A letter from the Chairman, transmitting a draft of proposed legislation 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 (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION TO AMEND TITLE I OF THE ACT OF NOVEMBER 15, 1966

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend title I of the act of October 15, 1966 (80 Stat. 915) (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF THE NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

A letter from the Chairman, National Advisory Council on Education Professions Development, transmitting, pursuant to law, a report of the National Advisory Council on Education Professions Development, October 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION TO LIBERALIZE THE PROVISIONS OF LAW GOVERNING THE PAYMENT OF INCREASED DISABILITY COMPENSATION

A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to liberalize the provisions of law governing the payment of increased disability compensation as a result of examination or hospitalization in a nongovernmental hospital (with accompanying papers); to the Committee on Labor and Public Welfare.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MOSS, Mr. MURPHY of New York, Mr. SPRINGER, and Mr. KEITH were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments

of the Senate to the bill (H.R. 12781) making appropriations for the Department of the Interior 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 Mrs. HANSEN of Washington, Mr. KIRWAN, Mr. MARSH, Mr. FLYNT, Mr. MAHON, Mr. REIFEL, Mr. MCDADE, Mr. WYATT, and Mr. BOW were appointed managers on the part of the House at the conference.

## PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

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

A letter, in the nature of a petition, from Jacob Kisner, of New York, N.Y., praying for the enactment of legislation relating to the establishment of a Department of Peace; to the Committee on Foreign Relations.

A resolution adopted by the Florida House of Representatives, Committee on Public Health and Welfare, supporting President Nixon's welfare reform with the exception that it proposes that all administration and control remain in the hands of the States subject to minimal Federal guidelines; to the Committee on Labor and Public Welfare.

A resolution adopted by the City Council of the City of Worcester, Mass., opposing the so-called Postal Corporation; to the Committee on Post Office and Civil Service.

## BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. STEVENS:

S. 3017. A bill for the relief of Jerry J. McMutcheon, of Anchorage, Alaska; to the Committee on Interior and Insular Affairs.

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

S. 3018. A bill to amend section 104 of the Truth-in-Lending Act; to the Committee on Banking and Currency.

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

By Mr. SYMINGTON:

S. 3019. A bill for the relief of Dr. Abelardo B. Sanchez; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself and Mr. BELLMON):

S. 3020. A bill to repeal the so-called Connally Act; to the Committee on Commerce.

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

By Mr. PERCY (for himself and Mr. SMITH of Illinois):

S. 3021. A bill to amend the River and Harbor Act of 1958 to authorize the appropriation of $5,728,000 for the repair and modification of certain structures along the Illinois and Mississippi Canal in the State of Illinois; to the Committee on Finance.

By Mr. BYRD of West Virginia (for Mr. RANDOLPH) (for himself and Mr. BYRD of West Virginia):

S. 3022. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Finance.

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

By Mr. NELSON (for himself and Mr. MCGOVERN, Mr. MONDALE, and Mr. SAXBE):

S. 3023. A bill to create an Office of Defense Review; and

S. 3024. A bill to establish a Temporary National Security Commission; to the Committee on Armed Services; and

S.J. Res. 160. A joint resolution to create a joint congressional committee to review, and recommend changes in national priorities and resources allocation; to the Committee on Government Operations.

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

## S. 3018—INTRODUCTION OF A BILL REPEALING THE EXEMPTION OF UTILITIES SUBJECT TO STATE REGULATION FROM THE CONSUMER CREDIT PROTECTION ACT OF 1968

Mr. METCALF. Mr. President, on behalf of the senior Senator from Pennsylvania (Mr. SCOTT) and myself, I introduce for appropriate reference a bill to repeal the exemption of utilities subject to State regulation from the provisions of Public Law 90–321, the Consumer Credit Protection Act of 1968.

According to the paragraph which our amendment would delete, the provisions of title I, which deal with consumer credit disclosure, do not now apply to "transactions under public utility tariffs, if the Federal Reserve Board determines that a State regulatory body regulates the charges for the public utility services involved, the charges for delayed payment, and any discount allowed for early payment."

Truth-in-lending legislation was before the Congress for many years prior to passage of the Consumer Credit Protection Act of 1968. None of the bills introduced during those previous Congresses carried the paragraph quoted above, which is section 104, paragraph (4) of the act. Nor was there testimony before either the Senate or House Banking and Currency Committee in support of the above amendment. In fact, it did not appear in either the Senate or House bill, as originally approved by the Senate and House in the 90th Congress, being included instead during the Senate-House conference.

The distinguished chairman of the House Subcommittee on Consumer Affairs (Mrs. SULLIVAN) expressed her reservations about the amendment during the hearing on consumer credit regulations last March. She said—I quote from part 2 of the Subcommittee on Consumer Affairs hearing, page 393:

Mrs. SULLIVAN. This is a rather technical question; but important: In the case of utility bills, the law exempts from the annual percentage rate disclosure requirements the so-called discounts for cash, which are often actually penalties for late payment, where such charges or rebates are regulated by a governmental agency.

I was not too happy with that provision which was put in the bill in the conference committee. I had been against it because I learned that in about half the cases where the electric company or the gas company bills you for both a net and a gross amount, depending upon whether the bill is paid before or after a specific date, it is not a discount from the bill for prompt payment as many people believe, but instead it is a penalty for late payment—really a credit charge. And the annual percentage rate of that charge is often very high. I think we have to watch that, and at least encourage consumers in the States to make certain that their State utility regulatory agencies actually do oversee and regulate such charges.

The utility company runs very little risk on its late bills, because no one wants to risk having the service cut off. Very few other creditors have a similar club to hold over the head of their slow paying customer. Where these are late payment penalties instead of discounts for prompt payment, they are often regulated under State law only in the sense that the utility company files its tariffs with the regulatory agency, but very little attention, if any, is paid by the regulating agency to the reasonableness of the late payment charges.

Later in the hearing, it developed that neither the Congress nor the Federal Reserve Board had actually determined that the State regulatory authorities exercised regulatory function in the credit field. The Board witness agreed with a member of the subcommittee that the established exemption might well be inappropriate, as indicated by the following colloquy between the Congressman from Texas (Mr. GONZALEZ) and Frederic Solomon, Director of the Division of Supervision and Regulation of the Federal Reserve System:

Mr. GONZALEZ. Perhaps just an explanation of section 104, the exemptions, subsection 4, transactions under public utility tariffs. If the board determines that a State regulatory body regulates the charges, et cetera, suppose there is no State regulatory authority, such as in my State?

Mr. SOLOMON. Let me read a provision, if I may, Mr. Congressman. The feeling there was that the situations were quite similar in those situations where, as in the State of Texas, there may not be a State regulatory authority, or there may be a State regulatory authority, but it may not apply within a particular city.

And therefore it was felt that the best way to carry out the purpose of this provision as well as it could be understood at the time, and subject always to review and further consideration, was to apply it generally to those public utility situations that were under some kind of surveillance from some kind of regulatory authority. So the provision related to that was phrased in the regulation as follows. This is an exemption in section 226.3(d) of the regulation on page 10 of the mimeographed copy:

"TRANSACTIONS UNDER PUBLIC UTILITY TARIFFS

"Transactions under public utility tariffs involving services provided through pipe, wire or other connected facilities, if the charges for such public utility services, the charges for delayed payment, and any amount allowed for early payment are filed with, reviewed by, or regulated by an agency of the Federal Government, a State, or a political subdivision thereof."

It was felt that this was the most workable way of implementing what was believed to be the purpose of the exemption in the statute itself.

Mr. GONZALEZ. Suppose there is no such legal regulatory supervision?

Mr. SOLOMON. It was our impression, as best we could get the information, that there would almost always be some kind of agency with which there would be a filing, or some

instance where this could be complied with, not necessarily extensively regulated, but at least some kind of filing. That was the impression we had. We may be mistaken about it, but we hope that would be the case.

Mr. GONZALEZ. I am afraid it isn't.

Mr. SOLOMON. It may well be wrong.

Mr. President, the paragraph which our bill would repeal sounds reasonable. It appears to prevent conflicting jurisdiction. Actually, though, as the House hearings indicated, State commissions do not have the resources for regulation of utility finance charges. Those State commissions have already been given many assignments by their State legislatures, without, in some instances, commensurate staff and appropriations, as was indicated by the commissions in their reports to the Senate Subcommittee on Intergovernmental Relations. I do not believe that the Congress should casually pass on to the State commissions additional responsibilities which will require them to divert some of their modest resources to yet another field or, in the alternative, to incur the displeasure of consumers who complain that the commissions are not doing their assigned job or regulation.

In addition, I am concerned by the criticism levied by small businessmen at section 104(b). I have heard from fuel oil marketers in Pennsylvania, New York, and Connecticut who compete with electric and gas utilities for the heating market. The electric and gas utilities are exempt from the Truth-in-Lending Act. The oil heat industry is not. As one of the oil heat officials said, as the law now stands it penalizes the independent businessman and favors the utilities.

Mr. President, in elaboration of this complaint by fuel oil marketers, I ask unanimous consent to insert at the conclusion of my remarks an article on this point which appeared in the July 28 issue of U.S. Oil Week.

It is my intention to ask for a hearing on the bill today introduced, whenever the Banking and Currency Committee of either House considers proposed amendments to the Consumer Credit Protection Act of 1968.

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

The bill (S. 3018), to amend section 104 of the Truth-in-Lending Act, introduced by Mr. METCALF (for himself and Mr. SCOTT), was received, read twice by its title, and referred to the Committee on Banking and Currency.

The article presented by Mr. METCALF follows:

GAS COMPANY CHARGES TOM JONES 142 PERCENT INTEREST

Tom Jones uses natural gas to cool his home in suburban Kensington, Md.

Jones is executive vice president of the National Oil Jobbers Council representing thousands of fuel oil marketers faced with the twists and hazards of conforming to the new Truth-in-Lending law.

Writing to New York Attorney Sam Borenkind last week Jones noted that the Washington Gas Light Co. doesn't have to reveal its finance charge for those customers who don't elect to take advantage of premium billing.

Utilities were exempted from Truth-in-Lending in a closed door final meeting on the bill.

But if Washington Gas Light were covered, this is what the bill would have to say:

"A cash discount (FINANCE CHARGE) of $.32 may be deducted from the total (Deferred Payment Price) $4.42, which equals a cash price (Amount Financed) of $4.10, (this is an ANNUAL PERCENTAGE RATE of %) if paid within 20 days.

"Actually, because of the size of the finance charge, the annual percentage rate would not have to be stated, but if it were, calculating on the FTC system, it would equal 142.25%," Jones said.

(Divide .32 by amount financed—$4.10—which equals 7.8% for 20 days.

Divide 7.8 by 20, giving you the daily rate of .39%.

Multiply that by 365 and you get 142.35%, which is rounded off to the nearest quarter of a percent or 142.25%.

"The law most definitely penalizes the independent businessman, favors the utilities which are exempt from compliance, and I hope we can jointly work out something to exempt jobbers from compliance," he added.

The bill looks like this:

[Not printed in the RECORD.]

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## S. 3020—INTRODUCTION OF A BILL REPEALING THE CONNALLY HOT OIL ACT

Mr. PROXMIRE. Mr. President, I had originally intended to propose an amendment to Senate Joint Resolution 54, consenting to an extension of the interstate compact to conserve oil and gas. However, the Senator from Oklahoma (Mr. BELLMON) has convinced me that I could better secure my original objective by introducing a bill to repeal the Connally Hot Oil Act, chapter 15A of title 15 of the United States Code.

I am, therefore, pleased to introduce on behalf of the Senator from Oklahoma (Mr. BELLMON) and myself a bill to repeal the Connally Hot Oil Act.

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

The bill (S. 3020) to repeal the so-called Connally Act, introduced by Mr. PROXMIRE (for himself and Mr. BELLMON), was received, read twice by its title, and referred to the Committee on Commerce.

NEED FOR WHOLESALE PRICE INDEX REFINEMENT

Mr. PROXMIRE. Mr. President, one of the most distinguished economists and original thinkers in the country is Gardiner C. Means. In the 1930's he and Adolph Berle wrote a classic economic textbook entitled "The Modern Corporation and Private Property." There, for the first time, a detailed analysis of the divergent and conflicting interests of managers and owners of large corporations was made.

In the 1950's, Gardiner Means was closely associated both with the development and demonstration of what is now known as administered prices and administered price inflation.

Now Gardiner Means has performed an analysis of the years 1964 to 1969 and has described in some detail the nature of the price rises in what to him are three distinct periods during those years. He terms the periods "reflation," in which the largest price rises were in the competitive industries; a period of administered price inflation, in which the fastest price rises were for the goods of concentrated industries; and a recent period since December 1968 which he calls "compound inflation" or where prices in both groups of industries rose.

In Sunday's Washington Post there was an article published, written by Bernard Nossiter, entitled "New Clues Are Uncovered to Causes of Inflation," in which the tentative results of Mr. Means' study of the period are given.

But, as the article points out, Mr. Means has had to base his findings on the broad industry groupings of the wholesale price index. In order to confirm or to rebut the thesis and findings or, more correctly, to determine for the country what the real situation is, a more detailed and sophisticated breakdown of the price increases industry by industry is needed. There is, for example, a need to break out the price behavior in the steel and oil industries from their broader classifications.

I believe this should be done. It can be done. As vice chairman of the Joint Economic Committee, I have asked our staff to work with the Labor and Commerce Departments in order that they may further refine the wholesale price index data so that a more meaningful breakdown can be made.

One of the criticisms of this administration is that it has failed to act against the administered price increase. That is the kind of action President Kennedy took, as well as President Johnson. Many economists support it. Some oppose it. However, the argument recently heard is that we are suffering from a kind of inflation which is not susceptible to competitive factors, or to a diminution in demand which one gets by increasing taxes or by tightening credit. As I said, this study by Mr. Means, which may or may not be right, so far as the analysis by the Joint Economic Committee goes, is the kind of economic policy we should follow.

I ask unanimous consent that the article by Mr. Nossiter describing Gardiner Means' analysis be printed in the RECORD.

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

NEW CLUES ARE UNCOVERED TO CAUSES OF INFLATION

(By Bernard D. Nossiter)

[Charts not printed in RECORD]

The growing outcry over rising prices is taking on a new dimension. An increasing number of leaders, political and otherwise, are beginning to call for wage and price controls, an extreme measure normally regarded as unthinkable except in an all-out war.

At the same time, a number of Democratic Party figures, including Joseph Califano, the former Johnson aide, think they have found a weak point in the Nixon Administration because of its rhetoric dismissing wage-price guidelines.

This ferment represents a significant shift in the debate over inflation. Until recently, the issue had been posed in these terms: Are prices rising because the Federal Reserve has created too much money, or because government spending on Vietnam and civilian programs has built up too much demand?

Now, the question is being put thus: Is inflation the consequence of misguided gov-

ernment policies, fiscal or monetary, or is it the result of an abuse of private power? Behind the revived discussion of guidelines and controls is an implicit view that the nation's economic analysts have looked too long at Washington and not nearly enough at the decisions made in executive suits and union headquarters.

THE QUESTION OF POWER

The three accompanying charts are an effort to ground the new discussion in fact; to look at the industries in which prices have been rising and see whether some clues about the sources of inflation can be deduced.

The graphs are the work of Gardiner C. Means, a distinguished 73-year-old economist whose product has always been regarded uneasily by his professional confreres because it has touched on the disagreeable question of power.

In the '30s, in collaboration with A. A. Berle, he revolutionized thinking and public policy toward large corporations by observing that ownership and management were no longer an identity. In the '50s, Means produced a powerful analysis demonstrating that the inflation of that era was largely the product of administered price industries, led by steel.

He is, in effect, the unacknowledged godfather of the Kennedy-Johnson wage-price guidelines and his findings were the theoretical rationale for President Kennedy's famous confrontation with Chairman Roger Blough of U.S. Steel.

The story suggested by Means' new charts will provide little comfort to advocates of the either-or stripe; to those who fix responsibility exclusively on government and to those who pin it entirely on private power.

THREE-PHASE INFLATION

Means believes that there have been the three distinct periods in the current inflation, the one that began in 1965 and still persists. The first, lasting nearly two years, he gives the old New Deal label "reflation."

Here, the government was seeking to reduce high unemployment and did so with a variety of techniques. The most notable were a big tax cut and enlarged spending for both the war and civilian purposes.

The second period, which ran through last year, Means describes as an "administered price inflation." Here, increases were generated by the large corporations and the powerful unions with which they dealt. Whether the inflation was fueled by union wage demands or by corporate price decisions is a question difficult to disentangle. Means has not attempted to do so.

In the third period, the march of prices during 1969, Means concludes that both government policy (and "government" here embraces the nominally independent Federal Reserve as well as executive fiscal powers) and private decision-making are responsible. This he calls "compound inflation."

If Means is right, a remarkably sophisticated mix of public policy is in order. His analysis indicates that inflation cannot be choked off by exclusive reliance on fiscal and monetary restraint without recreating at least the high levels of unemployment of the 1950s. By the same token, inflation can't be stopped by pursuing only the centers of private power. A judicious mix of both is needed.

Indeed, some perception that this is so may explain why some members of the Nixon administration are beginning to soften their antiguidelines pronouncements and may be tinkering with a variant of this approach.

THE GAMUT OF INDUSTRY

To understand Means requires an understanding of the structure of American industry. He distinguishes between three broad types of industry and argues that their price behavior depends on the extent of their power over their market.

At one extreme are the competitive industries, beloved by economics textbooks. These are the industries like farming in which no one firm is big enough so that its actions can affect the prices or output of its fellows.

At the other extreme are the concentrated industries like steel, aluminum, autos and electrical machinery. Here, a few companies account for the bulk of the sales. They are not immune to the classical forces of supply and demand but they, or their price leaders, have considerable discretion within broad limits.

Thus, what U.S. Steel or General Motors or General Electric (and their generally well-organized unions) do about pricing and output will powerfully affect the decisions of their handful of near-peers. These are the industries—"oligopolistic" in the economists' idiom—that administer prices.

In between is a broad range of industries with more firms than the auto industry but far fewer than the number of cotton farms. The pulp and paper industry is a typical member of this mixed branch.

Both in theory and in practice, an expansive fiscal policy (tax cuts, more spending) or easy money will push up competitive prices. In textbook terms, effective demand is outstripping supply. Prices in competitive industries, Means has demonstrated in the past, are sensitive and change rapidly with changes in demand.

Prices in concentrated industries, however, are a different animal. Corporate executives, essentially conservative, make changes more slowly and in order to achieve a targeted rate of return. Thus a burst of effective demand may or may not move up prices in oligopolistic industries. Moreover, corporate managers may raise prices even in the absence of extra demand.

RESULTS ARE TENTATIVE

Means' charts are based on the wholesale price index rather than the more familiar consumer price index. Broad price changes show up in the wholesale index before they appear at the retail level. Moreover, the wholesale index is distorted less by changes in the quality of products.

For this exercise, Means has used very broad industry groupings, and his findings are therefore more tentative than conclusive. Thus the steel industry is subsumed under the bigger Metal and Metal Products heading; oil is part of the larger Fuel and Power group and the like. A more detailed breakdown, industry by industry, is needed to confirm or rebut Means' findings.

This is a task that the Joint Economic Committee or the Senate Antitrust and Monopoly Subcommittee might profitably undertake. Federal agencies—the Labor and Commerce Departments or the Federal Reserve—have the resources to do the job but have traditionally shied away from politically sensitive questions like administered prices and wages.

In the Means graphs, the height of each bar is the percent of price increase during the period under examination. The width of each bar reflects the industry's weight or importance in the index. Thus the area of the bar, the height times the width, is a graphic representation of the contribution of each industrial grouping to inflation.

In the reflation period, the overwhelming role of the competitive industries is apparent. Farm products went up 17.2 per cent and processed foods, 13 per cent. Conversely, the concentrated machinery group goes up less than 5 per cent and the concentrated motor vehicles sector even fell.

During the administered inflation period, the picture changes dramatically. The price advances are largely in the concentrated sector. One important competitive industry, farm products, actually declined 5 per cent. An exception to the pattern is the competitive lumber and wood products industry. A housing boom shot up prices by 26 per cent.

The present compound inflation offers still another pattern. Here, price advances are registered indiscriminately among competitive and concentrated groups.

Means' work has already been circulated among a handful of financial executives and a few Democratic Senators and Congressmen with a penchant for fresh approaches to economic problems. Whether his attack will have the potent effects on policy-making that it did with a Democrat in the White House is a large question.

Moreover, even an Administration willing to acknowledge the importance of administered prices and wages can rightfully ask: What institutional mechanism can really contain this power?

Guidelines are crude, and capriciously applied. There is another family of solutions requiring leading corporations and unions to give advance notice and justify changes in prices. But there are many political, administrative and theoretical objections to this approach.

In the end, any President, even one so little bound to ideology as Mr. Nixon, would have some difficult calculations to make. To deal with classical inflation and restrain the competitive sectors, how high a price in unemployment is bearable? To deal with administered inflation, how much opposition can any President take from centers of power at union and corporate headquarters?

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## S. 3022—INTRODUCTION OF THE ORDERLY TRADE EXPANSION ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, on behalf of my able senior colleague (Mr. RANDOLPH) I ask unanimous consent that a statement by my colleague be printed in the RECORD at this point, and that I be permitted to introduce a bill for him in his behalf and in mine.

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

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

STATEMENT BY SENATOR RANDOLPH

On behalf of myself and Senator Byrd of West Virginia, I introduce a bill to empower the President with effective authority to negotiate with supplying countries mutually beneficial agreements to regulate the rate of increase in future imports of flat glass, steel, glassware, footwear, electronic components, and man-made fibers. This bill is designed to recognize the legitimate interest of both the foreign and domestic producers of these commodities in the continuing participation in the growth of U.S. markets. It provides ground rules of considerable flexibility which will strengthen the long-range participation of both groups in this market.

Mr. President, the bargaining power which the President needs for effective international trade negotiations with other countries which have a major stake in the American market is provided by provisions of this measure. It would impose mandatory quotas upon imports of these six products equal to the average of the quantity and value imported during the period 1966 through 1968. Annual adjustments would be made to increase the quota in proportion to the growth experienced in domestic consumption of the commodities which are being regulated. If the threat of a shortage of supply develops, the Secretary of Commerce would investigate and would be empowered to set aside the statutory quota to prevent an artificial shortage.

The statutory quotas would not apply in the case of any country which chose to negotiate an agreement with the President to set mutually agreeable limits on the rate of growth of imports.

The mandatory quotas which the statute would otherwise impose would become a hard fact which would provide incentive for our trading partners to come to the bargaining table. Once there, the President would have considerable discretion as to the arrangements to be agreed upon to provide satisfactory assurance to the United States that exports to this country would be controlled in a reasonable manner. The objective would be an acceptable limitation on the rate of increase in U.S. imports in order to avoid disrupting domestic markets to such a degree that domestic producers could not continue to keep their work force intact and participate in supplying the American public with basic commodities.

Mr. President, this measure is of particular importance to the State of West Virginia. The bill lists six basic industries as being import-sensitive, and specifies import limitations on the products of such industries. These are: steel, electronics, flat glass, shoes, glassware, and man-made fibers. The latest U.S. Government data shows that the steel industry employs 16,000 workers in West Virginia; glassware, 7,000; flat glass, 2,500; electronic components, 1,200; footwear, 485; and man-made fibers, about 2,500 workers. All together, these nearly 30,000 workers represent about one out of every four manufacturing jobs in West Virginia. Neither from the point of view of the State of West Virginia, nor of the Nation, can we responsibly remain passive in the face of the rapid inroads which imports of steel, electronic products, flat glass, glassware, footwear, or manmade fibers are making on the domestic market.

We are not proposing by the bill introduced today to roll back imports of the affected products to an injurious degree. We do not believe that modest reduction in imports which the use of the average of 1966 through 1968 imports represents constitutes as significant a loss of U.S. market opportunity when we think of the impact of the rapid rise of imports.

Additionally, this bill does not ignore the problems of other import-sensitive industries. Section 7 establishes a general procedure with clear-cut guidelines under which the Tariff Commission upon petition of the affected industries or workers will investigate the level of import penetration in the petitioning industry. The objective of such an investigation is to determine whether imports are comparable to those in the basic industries in the bill, each of which has been seriously harmed by excessive volumes and increases in imports in the past few years. If the Commission under very carefully drawn guidelines finds that the level of import penetration is comparable to that of the named industries, its finding will result in the imposition of mandatory quotas limiting imports to the average of the three years 1966 through 1968. Also, in the event of such a finding, the President will be authorized to enter into negotiations with the suppliers of such foreign merchandise with a view to agreeing upon mutually beneficial limitations upon future increases in imports.

Mr. President, I believe that this bill will be fair to all parties. Above all, it backs up the policy of the President to seek to adjust serious import problems through negotiation. Its provisions make the word "negotiations" means something by putting real bargaining power into the hands of the President. When its provisions are operative, the avoidance of mandatory quotas in damaging import situations will be within the powers of foreign producers themselves. By agreeing to negotiate with our President, they can eliminate the threat of quotas. They will find our President a fair negotiator; but, they will find that they will have to be willing to bargain with a President who holds real bargaining power.

Mr. BYRD of West Virginia. Mr. President, I join in the introduction of the bill to provide our President with effective power to solve damaging import problems through realistic negotiations with supplying countries. These problems are broader than just the textile import problem which the Secretary of Commerce is laboring so valiantly to solve. The lesson to be learned from the Secretary's frustrations in Europe and Asia is that other countries care not a whit for the problem of injury to American industries, or loss of jobs in America to Americans. As long as they can continue to bolster employment in their countries at the expense of American workers, they have no desire to come to the bargaining table. What the President and Secretary Stans lack, Mr. President, is meaningful bargaining power. This we must provide through realistic legislation. The President has some authority on woolen textiles, but he needs a clear-cut grant of power on man-made fiber textiles. This the bill we introduce today would supply.

Important as the textile problem is, there are other major industries just as badly affected by damaging imports. The bill being introduced today identifies six major industries, each of which supplies substantial employment in West Virginia, which are suffering from rapidly increasing imports. They are steel, flat glass, pressed and blown glassware, electronic components, footwear, and manmade fibers. My colleague has pointed out that these industries employ more than 29,000 workers in West Virginia—nearly one out of every four manufacturing jobs. What has excessive import competition meant to employment in these domestic industries?

A recently published study of the Trade Relations Council of the United States supplies the answer. In 1966, the latest year for which complete U.S. Government data were available for use in such a calculation, the foreign trade deficit in steel mill products represented the equivalent of 27,000 jobs lost to the American economy. For flat glass, the trade deficit represented a loss of 2,000 jobs in the United States. In pressed and blown glassware, our once hefty trade surplus had disappeared by 1967, and the employment once created by our favorable trade balance has been lost. In electronic products, the burgeoning trade deficit in radio and television sets in 1966 represented a net loss of 13,000 jobs in the United States. Each imported set represented a loss of employment in component production also, so the total job loss resulting from our foreign trade in consumer electronic products and components was much greater than the 13,000 jobs. In fact, in these two industries there occurred an absolute loss of 60,000 jobs between December 1966 and December 1968. Regarding footwear, in the first half of 1969 seven New England shoe factories closed, with imports an important factor in each case. Total imports of foreign leather shoes entering the United States in 1969 totaled 36 percent more than in 1967. Since 1960 shoe imports have increased by 600 percent; imports equalled almost 28 percent of total domestic production in 1968. These increases represent jobs lost in our domestic industry, both in the manufacturing plants and in the tanneries in West Virginia, which supply the leather. The decreased use of leather hides as between 1968 and 1967 resulted in a loss of employment equal to 38 weeks of lost production in one tannery alone in my State.

In cellulosic manmade fiber production, one of the more technologically advanced industries in our State and in the Nation, our foreign trade deficit in 1966 was the equivalent of 600 jobs lost.

So, in sum, our six West Virginia industries lost more than 50,000 jobs nationally due to adverse foreign trade balances in 1966—and the number has grown since then. This is nearly twice our total employment in West Virginia in these industries.

States like West Virginia need industries to provide jobs for their people. We cannot afford to have these job-creating centers of activity damaged or driven out of the State by sheer neglect on the part of the National Government to lay down some reasonable ground rules as to the rate at which foreign goods will be allowed to take over our markets. We badly need solutions to these problems. The bill being introduced today will give the President the bargaining tools he needs to cope with these problems. More importantly, it will serve notice on our trading partners that we owe as much to our own people as we do to theirs, and that we are not going to hand over our markets to foreign goods and foreign jobs. We intend to keep a fair share for our own people.

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

The bill (S. 3022), to provide for the orderly expansion of trade in manufactured products, introduced by Mr. BYRD of West Virginia (for Mr. RANDOLPH) (for himself and Mr. BYRD of West Virginia), was received, read twice by its title, and referred to the Committee on Finance.

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## S. 3023, S. 3024 AND SENATE JOINT RESOLUTION 160—INTRODUCTION OF BILLS AND A JOINT RESOLUTION ON DEFENSE, NATIONAL SECURITY, NATIONAL PRIORITIES AND RESOURCE ALLOCATION REVIEW

Mr. NELSON. Mr. President, in the first 9 years of this decade, $500 billion went into the military expenditures of this country, while the problems of poverty, hunger, and urban unrest intensified.

During this past year, however, several Members of the Senate made it clear that the special privileged position of the military and its industrial allies would no longer be ignored. Throughout several weeks of the summer, Members of the Senate carefully examined a $21 billion military procurement au-

thorization bill for fiscal 1970 and battled over money for an anti-ballistic-missile system, super tanks, super airplanes, and more aircraft carriers.

Although the dissenting Senators came close to cutting large chunks of money from the budget, numerous fights ended unsuccessfully. The victory, however, was that the established tradition of rushing multi-billion dollar military bills through Congress was broken.

An examination of the CONGRESSIONAL RECORD shows that, over the previous 9 fiscal years of this decade, the House of Representatives never spent more than 1 day each year discussing military construction authorization proposals. The longest period of time ever spent on military procurement authorization in the House was 3 days for fiscal 1968. In the Senate, the record was not much better. Military construction debate was generally 1 or 2 days each year until fiscal 1969, when 6 days were spent. On military procurement, the Senate spent its longest debate—8 days—in fiscal 1968. Generally the floor debate was never more than 2 days.

It must be made clear, however, that, when the statistics were compiled, it was counted as a day, even if the discussion of the military procurement or construction bill was brought to the floor for a vote or if it was just briefly discussed.

Clearly, the statistics show a shocking indifference on the part of Congress. With the increased development of highly sophisticated, complicated weapons systems, Congress and the public have been willing to accept the judgments of the military with insufficient review. In our highly specialized society, it was just naturally assumed that the expert knew what is best. This unquestioning reliance on the military to determine policy that was clearly the responsibility of the Congress has been unwise. While the Senate committees responsible for military and foreign affairs have tried their best to keep up with the overwhelming amount of work directed at them, the pressures have been enormous. I believe that an information source outside and independent of the military would be valuable to the committees and the Congress as a whole.

Instead, Congress has been faced with the massive Military Establishment. This country now has military installations around the world, including 429 major and 2,972 minor overseas military bases operated by more than a million men. The sprawling military bureaucracy controls millions of acres and expends more money annually than any other single organization on earth.

In facing the massive defense structure, Congress faces the country's largest employer—one out of every nine jobs is in the defense area. There are some 1.3 million civilian defense workers and 22,000 prime contractors and 100,000 subcontractors who are regularly involved in defense production. Defense Department awards in fiscal 1968 accounted for 81.4 percent of all contracts let by the Federal Government.

The soaring defense expenditures have risen from $13 billion in 1950 to $43 billion in 1960 and to more than $80 billion this year. And even if the war is ended, the administration has already announced the dark news that there will be no peace dividend and that the $30-odd billions spent annually for the war in Vietnam will not be transferred to the tightly squeezed domestic programs, but will be eaten up by the growing military demands.

The growing rate of runaway military spending was described in a recent issue of Fortune magazine in a discussion of the military-industrial complex, when one writer observed that, "under the pressures of the Vietnam war, civilian control over military spending has diminished, efficiency has decreased, and a large amount of 'gold plating' of the forces has taken place under the guise of meeting the needs of war. Unless brought under control, these trends can easily drive the defense budget to more than [redacted]illion within a few years."

[redacted]his recent book, entitled "The Econ[redacted] Death," Richard Barnet made an even more depressing observation when he wrote:

> Unless some crucial assumptions behind present defense policy are explicity rejected, the Pentagon's escalator will soon take the American public on a ride toward a $200 billion annual budget. Senator Stuart Symington, veteran member of the Armed Services Committee and former Secretary of the Air Force, points out that even a serious try at building a "thick" anti-ballistic missile system would cost about $400 billion. In five years a $200 billion defense budget is likely to sound as austere as $80 billion does today. As for those who wish to return to the $50 billion Eisenhower budget, the staggering size of which prompted the retiring President to utter his famous warning against the "military-industrial complex," such would-be budget-cutters are viewed in the Pentagon as proponents of unilateral disarmament.

The obvious question is, What then happens to the vital domestic needs of the Nation? Today, of every 100 tax dollars paid to the Federal Government, approximately $4 is spent for education, $1.85 for community housing and development; $1.25 for the preservation and utilization of our natural resources; $8.60 for health—including $6.70 for medicare and medicaid; $6 for commerce and transportation; $3.50 for agriculture; $2.60 for space; $2.50 for all programs of international assistance; and $1 for all other social services. The rest of the money—approximately $66—goes to pay for past wars, present conflicts, and future military preparedness.

What emerges is a picture of a nation whose economic welfare and gross national product are tied to warfare.

Several years ago, before Vietnam was a household word, Fred J. Cook in his book entitled "The Warfare State" aptly observed that there had been a civilian abdication of responsibility to the military and that "the legislature constantly defers to the military as the only source of supreme knowledge in the infinitely complicated world of modern arms."

If Congress is going to take its responsibility for reviewing military expenditures and challenge the alarming trend of a runaway military establishment, it must have its own authoritative, objective sources of information. It is no longer acceptable for the Pentagon, with its parochial view of the world, to set the definition, design the objectives, and establish the national priorities, while the Congress nods its trusting approval.

Any challenge to the massive military-industrial structure will require a new system—a new modernized approach which uses the modern systems analysis techniques and computers that feed information that can be studied and judged.

Every Senator here knows that it is difficult to attempt to face a massive, complicated defense budget with an undermanned and overworked staff. It is also difficult for the staffs to seek the necessary information from the very agency the Senator is attempting to scrutinize and regulate.

John Stuart Mill once said:

> The proper office of a representative assembly is to watch and control the government.

That is what this Congress must and will do.

Fortunately, the Senate, with the aid of an excellent staff of the General Accounting Office, was able to uncover waste and inefficiency in the military procurement programs. But the GAO staff is also undermanned, overworked, and suffering from a lack of appropriations. It, too, has other responsibilities. GAO oversees all the Government's programs and, like many of us, does not have the necessary technical understanding of many of the complicated weapons programs the military argues it needs.

To give Congress the assistance it needs, I am introducing three bills today. These bills are an outgrowth of a conference on the military budget and national priorities that was held in Washington on March 28 and 29 this year. Several members of both the House and the Senate participated in 2 days of meetings with leading scientists, weapons experts, and foreign policy scholars.

The bills introduced today, cosponsored by the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), and the Senator from Ohio (Mr. SAXBE), establishes some of the mechanism that the conference indicated would be helpful for giving Congress a better understanding of the complex military weaponry questions coming before it.

TEMPORARY NATIONAL SECURITY COMMISSION

The first of our bills, "To create a Temporary National Security Commission," would establish a Commission consisting of five Members of the House of Representatives and five from the Senate, who would then appoint six eminent citizens to serve with them. The Commission would include no more than a single member of any one standing committee of either the House or the Senate. A representative of the Comptroller General would be a 17th member, so that his available knowledge of fiscal aspects would serve the Commission and thus avoid duplicate effort.

The Temporary National Security Commission would be given until the end of the 92d Congress to perform a thorough combing over of the defense operation in all aspects and the national security operations as well.

Duties of the Temporary Commission would be to study—

(a) . . . (1) what the national policy in the area of defense is now formulated to be and to evaluate such policy, and in the light of such policy whether the national interest is being properly served by the existing agencies of Government; (2) whether existing projected weapons systems, military installations and fiscal performance of such agencies properly serve national policy in the area of defense; (3) to what extent the defense establishment as an institution dwarfs individual judgment in the making and execution of policy; (4) whether relationships between agencies of the Government responsible for procurement and suppliers of goods and services require modification.

(b) to make recommendations to Congress with respect to legislation upon the foregoing subjects, including the justification and improvement of policy for national security and the effectiveness of procedures and organization in those agencies of the Government which function in the area of defense.

In sum, it is our thought that no aspect of defense or national security should be overlooked.

The concept of such a Temporary Commission of investigation sprang from the celebrated Temporary National Economic Committee set up in 1938 under Senator O'Mahoney, which conducted a study about concentration of economic power. The extensive reports that grew out their investigations are still widely respected today.

The findings of the Temporary Committee of 1938–41 gave impetus to the antitrust prosecutions of that period. They generated the atmosphere for judicial decisions which achieved reforms in such areas as resale price maintenance, the basing-point system of pricing and the patent system. The Commission studied the process of corporate mergers which were dealt with in later legislation, such as the Celler-Kefauver Act of 1950.

Note must be taken of the fact that the President on June 30 announced the establishment of a blue-ribbon panel to conduct a year's study of the Department of Defense. The President is to be applauded for perceiving the need for such a study. But this blue-ribbon panel highlights a very serious constitutional question; namely, the extent of congressional oversight of activities in the executive branch. It is our considered view that such a review of the Department of Defense would be far more fitting constitutionally, if it were conducted by the Congress.

The Temporary Commission offered in our bill would conduct a more detached analysis of defense mechanisms than a panel responsible to the same chieftains as the Department of Defense; namely, the President and the Secretary of Defense. Our Temporary Commission has a more extensive mandate than the President's panel which would survey only the Department of Defense and would concentrate on such activities as organization and management, defense research and procurement policies and practices. That leaves untended the far more profound and sensitive areas, such as national defense policy, military performance and the capability of weapons systems to fit their purposes. In these areas the Temporary Commission that we advocate would serve a broader purpose and one most vital to our national interest.

OFFICE OF DEFENSE REVIEW

The second bill creates an Office of Defense Review. This would be responsible to the Congress and provide the Congress with an intimate and ongoing knowledge of defense and national security affairs as they occur. The analogy for this is the General Accounting Office. However, the Office of Defense Review would apply itself to such vital matters as the conformance of weapons systems to defense policy, and the performance of such weapons themselves in light of declared objectives and national defense policy. The bill also provides that fiscal data relating to defense and national security, already known to the General Accounting Office, and deemed to be of interest to the Office of Defense Review shall be provided to it by General Accounting.

The Office of Defense Review would have ongoing and continuous responsibilities. A special feature of this plan for an Office of Defense Review is the requirement that it prepare a congressional defense budget, independent of the one prepared by the executive branch. Such a concept, a congressional budget, is not new to political scientists. The purpose here is to bring to bear in the processes of congressional budgetary review the creative powers within Congress and thus highlight disparities between the congressional and executive thinking on each matter.

A prime function of the Office of Defense Review would be constant aid to congressional committees such as the Committees on Armed Services dealing with defense and national security. The immensity and sensitivity of these great functions are such that the Congress, in order to uphold its coordinate role, should be constantly conversant with them, and thus better able to offer guidance quickly.

An Office of Defense Review should also be ready to answer questions of individual Members on matters of defense and national security. Should computers be secured, it would be possible for Congress to have its own memory banks, where data of concern to Congress, arrayed in the fashion that congressional oversight best demands, could be made instantly available.

A Director and Assistant Director of the Office of Defense Review are provided in the bill. These offices would be analogous to the Comptroller General and Assistant. They would be appointed to hold office for 4 years.

There are many other reasons for setting up the Office of Defense Review. The imperatives of the vast national defense and security effort and also the present questioning of values and performance in this area, likewise the need to reassert congressional oversight generally over executive functions, and the sophistication of techniques, the size of the operations, taken all together, are strong reasons for the establishment of Defense Review as a substantial and continuing congressional function.

The Temporary National Security Commission, being recommended in legislation simultaneous with this, should recommend new devices and ways of reviewing defense and security. However, in setting up a task force for defense review, we feel that the provision of a permanent congressional mechanism for this purpose cannot wait for the conclusion of the Temporary Commission's work more than 3 years from now. The need to review the defense and security apparatus is now.

THE JOINT COMMITTEE ON NATIONAL PRIORITIES

The third proposal is a joint resolution to create a Committee on National Priorities. This, of course, goes beyond defense and national security, for it implies an overview of all national objectives and policies wherever the Government is concerned. Recently the concept of priorities has been highlighted by the growing size and significance of the military in relation to all other national activities.

This proposal provides for a Committee on Priorities of 14 members, seven from the House and seven from the other body. It would include no more than a single member of any one standing committee of either body. The members would select their chairman and vice chairman. Those offices would rotate from Congress to Congress, which is a somewhat experimental device for selection of committee leadership.

The Committee would submit to the Congress at the end of each calendar year a proposed government budget of income and expenses for a period of not less than 5 years. While this might not go to the depth and detail of line items, it would reveal to Congress the future magnitudes of projects to which Congress may be induced to commit the Nation because of innocuous costs in the first year.

It is felt that such budgetary foresight will induce the Committee on Priorities to evaluate much more closely the need for weapons systems, and especially their implications within the framework of national policy. The Department of Defense does now prepare a 5-year budgetary forecast. That, however, does not necessarily correspond with future plans of other departments, nor is it made in light of national priorities. It should be checked by an independent forecast, representing a principle of congressional budgetary control that was alluded to in our comment about the Office of Defense Review.

The Committee on National Priorities would request from executive agencies and departments posture statements on their respective operations and objectives. These would help to establish priority among governmental objectives. They would enlighten the Committee, and invite criticism from the Committee. Such data and the Committee's evaluation would be passed on to Congress.

The plan provides that the Committee on Priorities shall propose legislation relating to national objectives and recommendations for action to the Congress.

The question has been raised as to whether such a Joint Committee on National Priorities may not duplicate in

some measure the activities of the presently operating Joint Economic Committee. The Joint Economic Committee has established for itself a notable reputation for creative achievement. It has broadly construed its mandate in the sphere of economics. For example, we note with great interest the Joint Economic Committee's excellent report issued this year on the subject, "The Economics of Military Procurement." Certainly a Committee on Priorities would be concerned with this very same subject. However, a Committee on Priorities would be concerned with the whole gamut of national affairs, not only economic but many other matters such as national defense and security per se, conservation, health, education, communications, transport, perhaps even judicial matters, to name a few.

I ask unanimous consent that the bills and the joint resolution be printed at this point in the RECORD.

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

The bills (S. 3023), to create an Office of Defense Review; and (S. 3024), to establish a Temporary National Security Commission; introduced by Mr. NELSON (for himself and other Senators), was received, read twice by their title, and referred to the Committee on Armed Services; and

The joint resolution (S.J. Res. 160), to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation, introduced by Mr. NELSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations; and the bills and joint resolution were ordered to be printed in the RECORD as follows:

S. 3023

A bill to create an Office of Defense Review

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

DECLARATION OF POLICY

SECTION 1. The Congress finds that expenditures for military purposes are ever mounting and constitute a large fraction of total government outlays and, therefore, that it is greatly in the national interest that provisions for defense and national security be subject to continuous Congressional review to insure, for example, that arm's length relationships prevail between defense procurement agencies and suppliers of goods and services, that defense procurement costs be properly estimated in advance of commitments and reported currently, and that the performance of weapons systems and the merit of military installations be evaluated before and after procurement in order that there can be a determination as to whether they serve national policy in the area of defense and national security. To effectuate such a review, the Congress needs the assistance of an office with a continuing mission to provide reports giving independent evaluations of defense and national security matters. Such an agency could also significantly aid the Armed Services Committee of the Senate and of the House of Representatives in meeting their immense responsibilities with respect to evaluation and oversight in the area of defense.

ESTABLISHMENT OF THE OFFICE OF DEFENSE REVIEW

SEC. 2. (a) There shall be created an establishment of the Government to be known as the Office of Defense Review (hereafter referred to in this Act as the "Office"), which shall be independent of the executive departments and under the control and direction of the Director of Defense Review (hereafter referred to in this Act as the "Director"). The Director is authorizd to adopt a seal for the Office.

(b) There shall be in the Office the Director and an Assistant Director of Defense Review (hereafter referred to in this Act as the "Assistant Director"), each of whom shall be nominated by the President from a slate of candidates submitted to him under section 5(d)(4) of this Act by the Joint Board of Defense Review, and appointed by him with the advice and consent of the Senate. The Assistant Director shall perform such duties as may be assigned to him by the Director, and during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director.

(c) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The Director and the Assistant Director shall be an "employee" within the meaning of such term as used in section 8331(1) of title 5, United States Code, and service performed by them shall be creditable service for all purposes of subchapter III (relating to civil service retirement) of chapter 83 of such title.

(e) The term of office of the Director and the Assistant Director shall be four years and, unless removed under subsection (f), an individual appointed to such office is not ineligible for selection under section 5(d)(4) of this Act.

(f) The Director or Assistant Director may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the Director or Assistant Director has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment.

FUNCTIONS OF THE OFFICE

SEC. 3. It shall be the function of the Office, under the direction of the Director—

(1) to determine whether projected weapons systems and military installations accord with national policy in the area of defense;

(2) to determine whether the actual performance of procured weapons systems and installations in the area of defense is in accord with originally declared objectives and national policy in the area of defense and national security;

(3) to prepare for the Congress a defense budget for each fiscal year which shall be independent of that prepared by the executive branch and shall be available in the course of the appropriations process in Congress, for comparison with the executive defense budget;

(4) to prepare optional defense budgets based on alternative assumptions concerning policy and weapons systems for defense and national security;

(5) to report to the Armed Services Committees of the Senate and the House of Representatives, to other appropriate congressional committees, and to the Joint Board of Defense Review on all of the matters listed in paragraphs (1) through (4), together with (A) recommendations for conduct of national defense and security, and (B) one summary annual report to be submitted in advance of the submittal to the Congress of the annual budget of the executive branch;

(6) to provide information to individual Members of Congress, upon request, concerning matters of defense and national security; and

(7) to recommend to the Joint Board of Defense Review improvements in the operating efficiency of executive departments of the Government in the area of defense and national security.

POWERS OF THE OFFICE

SEC. 4. (a) In the performance of its functions under this Act, the Office is authorized—

(1) to make, promulgate, issue, rescind and amend rules and regulations governing the manner of the operations of the Agency;

(2) subject to the civil service and classification laws, to select, appoint, employ and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act and to prescribe their authority and duties;

(3) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment and facilities; and

(4) to establish such security requirements, restrictions, and safeguards as it deems necessary in the interest of national security, exercising due care to protect classified information, sensitive intelligence sources and methods, and, in this regard, shall seek the advice of the Director of Central Intelligence, and

(A) to arrange with the Civil Service Commission for the conduct of such security or other personnel investigations of the Office's employees and contractors, actual or prospective, as it deems appropriate, and

(3) if any investigation under paragraph (A) develops any data reflecting that the individual who is the subject thereof is of questionable loyalty, to refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Office.

(b) Upon the request of the Director—

(1) the head of any department or agency in the executive branch shall furnish to the Director copies of any report submitted by such department or agency to the Comptroller General of the United States if the Director deems such report to be of consequence in the area of defense and national security, and

(2) the Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch if the Defense Review Director deems such analyses to be of consequence in the area of defense and national security.

(c)(1) The Comptroller General of the United States shall submit to the Director reports of all exceptions taken by the Comptroller General to the financial or other activities of any department or agency in the executive branch in the area of defense and national security, and also reports of any settlements or conclusions reached by the Comptroller General with respect to such exceptions.

(2) The Comptroller General shall transmit to the Director copies of all reports prepared by the Comptroller General pursuant to section 283 of the Revised Statutes (31 U.S.C. 103).

JOINT BOARD OF DEFENSE REVIEW

SEC. 5. (a) There is hereby established a Joint Board of Defense Review (hereafter referred to in this section as the "Board") to be composed of three members of the Senate to be appointed by the President of the Senate and three members of the House of Representatives to be appointed by the

Speaker of the House of Representatives. In the case of the members appointed from each house of the Congress, the majority party shall be represented by two members and the minority party represented by one member. No standing committee of the Senate or House may be represented by more than one member on the Board at any time.

(b) Members of the Board shall serve for terms of no longer than a total of five sessions of Congress. The Board shall select a chairman and vice chairman from among its members. Members of the Board shall receive no additional compensation on account of their service on the Board but shall be reimbursed for travel and other expenses incurred while performing work as members of the Board.

(c) A member of the Board may, when unable to attend a meeting of the Board, authorize another such member to act for him in his absence. A vacancy in the Board shall not affect the power of the remaining members to execute the functions of the Board, and shall be filled in the same manner as the original selection. Four members shall constitute a quorum of the Board. Decisions of the Board shall be taken by majority vote and a tie vote shall be decided according to the vote of the chairman, or, in his absence, the vice chairman.

(d) It shall be the function of the Board—

(1) to receive reports from the Director relating to his activities,

(2) to aid the Director in the interpretation of national defense policy,

(3) otherwise to counsel and advise the Director in the performance of his duties, and

(4) in the event of a vacancy in the office of Director or Assistant Director, to submit to the President the names of five individuals who, in the judgment of the Board, are qualified to hold such office.

S. 3024

A bill to establish a Temporary National Security Commission

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

DECLARATION OF POLICY

SECTION 1. The Congress finds that the immense demands upon our national resources for purposes of defense and security have become a matter of deep concern in our society and that there is evidence that institutional momentum, rather than conscious policy, governs decisions relating to defense and national security. The Congress also finds that there is increasing criticism being made of the Federal agencies responsible for national defense and security with respect to their choices of weapons systems and procurement policies and practices. The Congress further finds that the rising costs of the military and the changing international situation, as well as the factors previously mentioned, require that a complete study and review of the national defense sector be immediately undertaken as a first step toward the solution of these problems.

ESTABLISHMENT

SEC. 2. There is established a commission to be known as the Temporary National Security Commission (hereafter referred to in this Act as the "Commission").

DUTIES OF COMMISSION

SEC. 3. It shall be the duty of the Commission—

(1) to make a full and complete study and investigation of all activities with respect to national security and defense, including, but not limited to, the operation of all agencies established in the National Security Act of 1947, and any legislation subsequent thereto providing for the coordination for national security or constituting the national military establishment, with a view to determining—

(A) what are the current national policies and objectives in the area of defense and security and, in view of such policies and objectives, whether the national interest is being properly served by the existing agencies of Government;

(B) whether existing and projected weapons systems, military installations, management procedures and fiscal performance of such agencies conform to national policy in the area of defense;

(C) to what extent the defense establishment as an institution affects individual judgment in the making and execution of policy; and

(D) whether the relationships between agencies of the Federal Government responsible for procurement and suppliers of goods and services require modification; and

(2) to make recommendations (including suggested legislation) to the Congress with respect to subjects covered in paragraph (1) particularly with regard to the improvement of policy for national security and the effectiveness of procedures and organization in those agencies of the Federal Government which function in the area of defense.

MEMBERSHIP

SEC. 4. (a) Number and Appointment.—The Commission shall be composed of 17 Members as follows:

(1) Five members of the House of Representatives to be appointed by the Speaker of the House of Representatives, three from the majority party and two from the minority party.

(2) Five members of the Senate to be appointed by the President of the Senate, three from the majority party and two from the minority party.

(3) Six individuals from private life to be appointed, with due regard given to insuring a balance of political viewpoint, by the members of Congress appointed under paragraph (1) and (2).

(4) One representative of the General Accounting Office to be appointed by the Comptroller General of the United States.

A vacancy in the Commission shall not affect the power of the remaining Members to execute the functions of the Commission and shall be filled in the same manner as the original appointment was made. At no time may any one standing committee of the Senate or the House of Representatives be represented by more than one individual chosen pursuant to paragraph (1) or (2). Individuals from private life appointed under paragraph (3) shall be appointed for the life of the Commission and shall be of acknowledged eminence in fields of study or activity of national importance.

(b) Compensation and Travel Expenses.—(1) Except as provided in paragraph (2), Members of the Commission shall each be entitled to receive $150 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) A Member of the Commission appointed under paragraph (1), (2), or (4) of the subsection (a) shall receive no additional compensation on account of his service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) Quorum.—Nine Members of the Commission shall constitute a quorum, and actions by the Commission shall be determined by a majority vote of the Members present.

(d) Chairman.—The Chairman and Vice-Chairman of the Commission shall be elected by the Members of the Commission from among those Members appointed under paragraph (1) and (2) of subsection (a).

(e) Meetings.—The Commission shall meet at the call of the Chairman or a majority of its Members.

(f) Any Member of the Commission may, if unable to attend a meeting of the Commission, authorize another Member to act and vote for him in his absence.

STAFF OF COMMISSION

SEC. 5. (a) Staff.—The Commission may appoint and fix the compensation of such personnel as it deems advisable.

(b) Applicability of civil service laws.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) Security requirements.—The Commission shall establish such security requirements, restrictions, and safeguards as it deems necessary in the interest of national security. The Commission may arrange with the Civil Service Commission for the conduct of such security or other personnel investigations of the Commission's employees, consultants, and contractors, actual or prospective, as it deems appropriate. If any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty, the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Commission.

POWERS OF COMMISSION

SEC. 6. (a) Hearings and Sessions.—The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) Subpena Power.—

(1) The Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by section 3. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Commission shall be served in the manner provided for subpenas issued by a District Court under the Federal Rules of Civil Procedure for the United States District Courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

(c) Immunity.—No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena, on the ground that the tes-

timony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(d) Powers of Members, Subcommittees and Agents.—When so authorized by the Commission, any Member, subcommittee, or agent of the Commission may take any action which the Commission is authorized to take by this section.

(e) Obtaining Official Data.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman or Vice-Chairman of the Commission such department or agency shall furnish such information to the Commission. During the course of its investigations and deliberations, and in making its reports, findings, and recommendations, the Commission shall exercise due care to protect classified information, sensitive intelligence sources and methods, and, in this regard, shall seek the advice of the Director of Central Intelligence. For the purposes of this subsection, the term "classified information" means information which is, for reasons of national security, specifically designated by a department or agency of the United States for limited or restricted dissemination or distribution.

(f) The Commission is authorized to enter into contracts with qualified educational institutions, other public or private organizations or agencies, or individuals for the preparation of studies related to the Commission's duties, except that any contract entered into under this subsection shall require that the services contracted for be completed before January 1, 1973.

AUTHORIZATION

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

REPORTS

SEC. 8. Before January 1, 1971, or as soon thereafter as is practicable, the Commission shall transmit to the President and to the Congress preliminary reports of the studies and investigations carried on by it, together with its findings and recommendations, and shall transmit to the President and to the Congress before January 1, 1973, the final reports on the studies and investigations carried out by it pursuant to this Act, together with its final recommendations transmitted by it pursuant to this section at the time of such transmittal, except that the Commission shall withhold from the text of reports and recommendations made available to the public or transmitted to the Congress any part thereof the release of which, in the Commission's judgment, would be detrimental to national security.

TERMINATION

SEC. 9. The Commission shall cease to exist on December 31, 1972.

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S.J. RES. 160

A joint resolution to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation

Whereas national objectives, to the extent that they are affected by action of the Federal Government, ought to be more clearly formulated; and

Whereas national objectives can be realized only if all competing demands for priority in the allocation of resources disposed of by the Federal Government can be reconciled on a continuing basis; and

Whereas the immense demands upon national resources for purposes of defense and national security have become a matter of deep concern in our society; and

Whereas the Congress can meet its constitutional obligation as a coordinate branch of the Government more fully if it will consider the overall relationship of the many separate legislative demands: Now, therefore, be it

*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,* That there is hereby created a joint congressional committee to be known as the Joint Committee on National Priorities (hereafter referred to in this joint resolution as the "joint committee") to be composed of seven Members of the Senate to be designated by the President of the Senate and seven Members of the House of Representatives to be designated by the Speaker. Of the seven Members appointed from each house of the Congress, the majority party shall be represented by four members and the minority party shall be represented by three members. No one standing committee of the Senate or the House of Representatives may be represented by more than one Member on the joint committee at any time.

SEC. 2. (a) The joint committee, acting as a whole or by subcommittee, is authorized—

(1) to suggest national objectives and, on a current and continuing basis, to examine these objectives as they are affected by actions of the Federal Government;

(2) in the light of the examinations undertaken in paragraph (1), to suggest national priorities and to recommend, on a continuing basis, the allocation of resources disposed of by the Federal Government to such national priorities;

(3) to obtain from the departments and agencies in the executive branch annual posture statements on the operations and objectives of the departments and agencies as they relate to such national priorities and to assess such statements;

(4) to suggest legislation that will contribute to the attainment of national objectives; and

(5) to recommend courses of action, based on its findings and investigations, in the national interest to departments and agencies in the executive branch, to the States and political subdivisions thereof, and to regional agencies.

(b) The joint committee shall, before the close of each calendar year, submit to the Congress a posture statement on national priorities, which shall include a proposed Federal budget of income and expenditures covering a period of not less than the five consecutive fiscal years next succeeding the calendar year in which the posture statement is submitted.

SEC. 3. (a) A vacancy in the membership of the joint committee shall not affect the powers of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original appointment was made. The joint committee shall select a chairman and a vice chairman from among its members; except that no member may serve as chairman or vice chairman for longer than one Congress.

(b) An individual is not eligible to be a member of the joint committee after such individual has served as such a member for a total of eight sessions of Congress. For the purpose of the preceding sentence, service on the the joint committee for a full session of Congress or part of a session shall count as one session of service.

SEC. 4. In addition to the reports required under section 2, the members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives on the results of the joint committee's studios and investigations, together with their recommendations with respect to matters within the jurisdiction of the joint committee.

SEC. 5. In carrying out its duties, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, to make such expenditures as it deems advisable. The joint committee may make such rules respecting its organization and procedures as it deems necessary. Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of section 192 and 194 of title 2, United States Code, shall apply in case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section. The cost of stenographic service to report public hearings shall not be an excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate. The cost of stenographic service to report executive hearings shall be fixed at an equitable rate by the joint committee. Members of the joint committee, and its employees and consultants, while traveling on official business for the joint committee, may receive either the per diem allowance authorized to be paid to Members of Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

SEC. 6. The joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The joint committee is authorized (1) to utilize the services, information, facilities, and personnel of the departments and establishments of the Government and (2) to contract with educational institutions, public or private agencies or organizations, or individuals for the conduct of research or studies with respect to matters within the jurisdiction of the joint committee.

SEC. 7. The joint committee shall establish such security requirements, restrictions and safeguards over its records as it deems necessary in the interest of national security, exercising due care to protect classified information, sensitive intelligence sources and methods, and, in this regard, shall seek the advice of the Director of Central Intelligence. All committee records, data, charts, and files shall be the property of the joint committee and shall be kept in the offices of the joint committee or other places as the joint committee may direct under such security safeguards as the joint committee shall determine in the interest of the common defense and security.

SEC. 8. The expenses of the joint committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

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## ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 641

Mr. ERVIN. Mr. President, I ask unanimous consent that, at the next printing, the name of my colleague, the Senator from North Carolina (Mr. JORDAN) be

added as a cosponsor of S. 641, to amend the Consolidated Farmers Home Administration Act of 1961 in order to permit borrowers obtaining loans under such act to employ attorneys of their own choice to perform necessary legal services in connection with such loans.

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

S. 2893

Mr. MOSS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of S. 2893, to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

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

SENATE JOINT RESOLUTION 158

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate Joint Resolution 158, to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

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

## SENATE RESOLUTION 271—SUBMISSION OF RESOLUTION ON PEACE IN VIETNAM

Mr. DOLE, for himself and other Senators, submitted a resolution (S. Res. 271) on peace in Vietnam which was referred to the Committee on Foreign Relations.

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

## DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 231

Mr. MURPHY. Mr. President, I rise today to submit an amendment intended to be proposed by me to H.R. 13111, a bill making appropriations for the Departments of Labor, Health, Education, and Welfare for fiscal year 1970. My amendment is very simple. It will have the effect of increasing by $20 million the total amount of funds made available for parts C, D, and F of the Education Professions Development Act, with the additional $20 million earmarked for the development of personnel in vocational-technical education. Currently the U.S. Office of Education has indicated an intention to spend only $5,750,000 for training vocational education personnel. There is ample evidence that this sum is totally inadequate, and my amendment proposes to earmark the additional funds so that our educational system can begin to attract new personnel to the field of vocational-technical education, and in order that existing vocational personnel might be upgraded and retrained.

Mr. President, my colleagues in the Senate who are concerned about the problems posed by inreased inflation may question my introduction of this amendment. I share their concern and I must admit that I have been hesitant about supporting increased spending at this time. I am, however, persuaded that there is an overwhelming and critical need for additional training funds to meet the personnel needs in vocational and technical education. These needs are especially severe in my own State of California.

I introduce my amendment at this time in order to bring this matter to the immediate attention of my colleagues. The Senate Labor-HEW Appropriations Subcommittee, so ably chaired by the distinguished Senator from Washington (Mr. MAGNUSON) will begin hearings on H.R. 13111 this month. In the interim, however, I hope that the other Members of the Senate will investigate the training needs for vocational-technical personnel in their own States and will come to the support of my amendment.

There is no lack of facts to substantiate the need for increased and improved vocational-technical education programs throughout the country. These facts have been presented to Congress before, and they clearly and persuasively indicate that education in the United States does not meet the needs of the majority of American youth. For example: 80 percent of American youth in 1966 left school before graduation from college, but less than 20 percent had acquired skills with which to enter the job market; and 60 percent of the students attending high school left to enter the world of work rather than going on to college, yet less than one in four was enrolled in a vocational education program while in high school.

In light of these facts our national educational priorities have been incorrectly set: 14 Federal dollars were invested in universities in 1966—proportionately more in subsequent years—for every $1 invested in vocational education programs; and 4 Federal dollars were invested in remedial training programs during that same year for every $1 invested in preventive vocational education programs.

To correct this imbalance, Congress voted last year to authorize an expenditure of over $750 million beginning in fiscal year 1970 for a new and improved vocational education program. I am pleased to have been the author on the Senate side of part G of the 1968 amendments which provides funds for cooperative vocational education programs. This technique for preparing persons for work has much potential, and is a great untapped resource for vocational education, as well as for other education.

Aware of the fact that neither innovation nor expansion can occur unless there is sufficient professional teaching and administrative personnel, Congress made provision in the 1968 amendments for the training of vocational education personnel. The training component of the 1968 Vocational Education Amendments—an amendment adding part F to the Education Professions Development Act—authorized a 1970 expenditure of $35 million for training purposes. I ask unanimous consent, Mr. President, that a fact sheet describing the components of part F be printed in the RECORD immediately following my remarks.

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

(See exhibits 1 and 2.)

Mr. MURPHY. Mr. President, those of us in the Senate who worked to perfect the Vocational Education Amendments of 1968 were hopeful that the newly authorized programs would be adequately funded in 1970. We were heartened when the House Appropriations Committee increased President Johnson's and President Nixon's budget allowance for vocational education, and we were even more encouraged when the full House of Representatives voted to add more than $131 million to the committee bill, making a total of $488 million.

Mr. President, neither the House committee nor the full House, however, increased the funds for the training of vocational education personnel—and these are key people who must administer the $488 million of programs and staff the schools. The thrust of the Vocational Education Amendments of 1968 is to modernize vocational-technical training, to make it available to individuals, and areas, not now being served. These changes cannot take place unless there is an adequate supply of trained teachers, coordinators, and administrators. The new vocational education programs may be doomed to failure if Congress does not act now to provide additional training funds for vocational personnel. New institutions can be built and new teaching methods devised, but the schools cannot operate and the new curriculums cannot be implemented without an increased supply of adequately trained vocational education personnel.

The needs for training and retraining vocational and technical education personnel are just as startlingly clear as the needs for establishing new and better schools. The facts are these:

Enrollments in the public vocational-technical education program are rising and will continue to rise at an accelerated rate, requiring many new teachers. Information available to the Office of Education indicates that enrollments in public vocational-technical education programs will probably reach 8,555,000 in 1969 and increase to 17,250,000 by 1975. Past experience has shown a teacher-student ratio of about 1 to 50 which would mean that the 1969 teaching force would be approximately 171,400. If the ratio remains the same, the teaching manpower requirement in 1975 based upon the above enrollment projections would be 345,000. Other professional and paraprofessional support personnel needed to staff vocational education programs throughout the country would be in addition to the above estimates.

Producing additional teachers is a problem since most universities do not offer the proper teacher training programs in vocational-technical education. Although universities and colleges in most States offer teacher training in vocational education areas such as homemaking, industrial arts, agriculture, and trade and industrial education, few offer training in teaching the more technical occupational skills and in new and

emerging occupational areas. Very few universities and colleges offer comprehensive advanced degrees designed to develop leadership personnel for vocational-technical education.

Further, the problem of shortage is compounded by the fact that many States have not had the staff or financial assistance necessary to properly assess their needs. The State boards of vocational education, in nearly one-half of the States have not been able in the short time since the enactment of the vocational education amendments to submit a prospectus or plan to make them eligible for funding under section 553 of part F. This includes some States which most desperately need to update and expand vocational education programs.

In the States which have accomplished this assessment, however, the response has been overwhelming. Tentatively eligible requests for financial assistance from educational agencies and institutions for 1970 fiscal year funds from States which have submitted a plan as of August 1 deadline totaled $34,772,633, or slightly under the amount of the authorization. These facts underscore the need for massive financial and technical assistance to institutions of education and State boards of vocational education if these training needs are to be met.

So that you may fully appreciate the need for training additional vocational technical education personnel and for retraining presently employed staff, I would like to present a case study by bringing to your attention the problems faced by the State of California in the area of recruiting, training, and retraining vocational-technical education personnel.

The information and statistics I am about to present were supplied by the State department of education in California.

The State of California currently has some 9,500 vocational and technical education teachers who will be attempting to meet the skill development needs of approximately 1,000,000 secondary, postsecondary, and adult students in California. Earlier in my remarks, Mr. President, I quoted Office of Education figures which indicated that the usual ratio of students to teachers, nationwide, was 50 to 1. In California that ratio is close to 100 to 1, an appalling state of affairs. We cannot deny that the shortage of personnel is a very severe problem.

It is not the only problem, however. Two additional factors compound the issue. One problem revolves around the fact that our rapidly advancing technology has left currently employed teachers far behind in up-to-date knowledge of their subject matter. Recent studies, entitled, "Profiles of Trade and Technical Teachers," by Melvin L. Barlow and Bruce Reinhart, substantiate this claim. The median age of trade and industrial education teachers employed in 1966–67 was 45.9 years, and the median age when they began teaching was 36.8 years. The majority of these teachers at that time, and I am certain that the situation has not changed, had been away from active participation in the occupation for which they were giving instruction for approximately 8 years. The study concludes it was safe to assume that many of them had "not kept current with changes occurring in the technology of teaching." A second study completed in 1969, in which 286 leaders responsible for vocational education programs at the local level in California were contacted, found that the highest priority for the improvement of instruction was "the maintenance of teacher exposure to the latest developments in their subject area, both technical and pedagogical."

The second problem concerns the fact that existing vocational education personnel are simply not adequately trained to cope effectively with the special needs of the major minority groups within the State—the Mexican-Americans, Negroes, and others—who constitute enrollments in vocational education in increasing numbers. A study currently being completed by the University of California underscores this fact.

The State of California Department of Education is very concerned about these problems and desires to take immediate steps to meet the needs of retraining existing personnel and recruiting and training new teachers. They desperately need additional assistance, however, in order to accomplish this.

The State department of education has outlined the vocational-technical education needs of the State of California and carefully constructed a plan of operation to meet those needs. This plan, I have been informed by officials in California, was submitted to the Bureau of Educational Personnel Development for funding. In order to be implemented the California plan requires an expenditure of over $4 million during the next 3 years, with $892,000 needed for 1970–71. Over this 3-year period, nearly 2,000 persons would be trained or retrained. Overall the emphasis would be on improving the quality of teaching in vocational education areas, alleviating the shortage of qualified teachers, and developing a cadre of "master teachers" to teach in places where there are high concentrations of disadvantaged, handicapped, and minority students.

Mr. President, at the current level of resource allocation, there would be no hope of funding the California State comprehensive plan. The 3-year request submitted by the State of California by itself is nearly four-fifths of the total request for part F in 1970.

At the present level of funding—$5,750,000—I have been informed—and somewhat reluctantly—that the Vocational Education Training Branch of the Bureau of Educational Personnel Development could fund projects under section 552 involving 160 persons, projects under section 553 involving 3,825 participants, and continue projects from 1969 involving 70 teachers. If my amendment were adopted and $20 million was made available to the Vocational Education Training Branch, however, the situation would change. Instead of 4,055 participants nationwide, projects could be funded in which 13,495 persons were trained or retrained to be vocational technical education teachers. This is a substantial number and would constitute a good effort to meet current needs.

Mr. President, the failure of American education to meet the job entry needs of today's youth continues to constitute a serious waste of human resources. Vocational education must become an integral part of the educational experience of those students who are planning to enter the job market without continuing their education at the college level. It cannot and should not be assigned a second-class status. The need for vocational education experience is particularly acute for the members of minority groups, for the handicapped, and for those seeking to break the cycle of poverty. For these people the lack of job entry skills may prove the crucial obstacle in a society with an increasing demand for a skilled labor force and an ever-decreasing need for unskilled workers. The proposed level of funding for vocational personnel funding is too low to make an impact, too inadequate to begin to meet the vocational education training needs.

One of the most important and rapidly growing educational institutions in our society is the junior college. These institutions, many of which call themselves comprehensive community colleges, have developed at the rate of one per week, and they offer unusual opportunities to prepare persons for the world of work by offering the 13th and 14th year of education. California, as my colleagues know, has been the pioneer and leader in the community college movement. The last time I checked, there were approximately 90 community colleges in the State, and it was expected that there would be 100 by the early 1970's. Of the total student freshman and sophomore population in California, approximately 85 percent are enrolled in community colleges. Secretary Finch and the administration are aware of the importance of community colleges.

Prof. John Nealon of Rutgers University, in a recent study, entitled, "The Outlook for Adequate Faculty in Public Postsecondary Vocational Education," reported:

> The essential facts are that of the entire working force, less than 15% have baccalaureate or advanced degrees. The balance are employed in the occupational areas where the formal education required of the average worker is shifting upward at an increasing rate. A 12th grade education soon will no longer suffice and the great body of our working force will require one to two years of postsecondary training to be considered for the more desirable and higher paying paraprofessional positions.

Professor Nealon developed statistics showing the types and number of teachers that must be prepared for vocational education programs at the postsecondary level alone. He finds that by 1974 we must almost double our present efforts in preparing personnel for postsecondary programs of vocational-technical education.

The Vocational Education Amendments of 1968 was a landmark bill chartering a new direction for vocational education. Educators with whom I have spoken are challenged by both the act's great potential and the societal problems to which the bill is addressed. But as

magnificent a blueprint as it is, the key to the act's success will not be its form, but its implementation. And this means that meeting the personnel needs is crucial to the success of the entire vocational education program. We simply cannot vote funds for bricks and mortar, experimental programs, books, and equipment without providing adequate money to train teachers to serve in those schools to run those programs to use that equipment.

An appropriation of $20 million for the training of vocational education personnel will be a move in the right direction.

Mr. President, I ask of my colleagues that between now and the time H.R. 13111 is reported to the Senate floor, they investigate the situations in their own States. I am certain that each of you will find the shortages just as acute, the inadequacies of present vocational and technical education personnel just as severe as those I found in California. I believe there will be unanimous agreement as to the critical nature of this problem. I hope the Senate will support an appropriation of $20 million for vocational education personnel training for fiscal year 1970.

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

The amendment (No. 231) was referred to the Committee on Appropriations.

EXHIBIT 1

DESCRIPTION OF PROGRAMS AUTHORIZED UNDER PART F OF THE EDUCATION PROFESSIONS DEVELOPMENT ACT

Part F of EPDA contains two major sections: Section 552—Leadership Development Awards, and Section 553—Exchange programs, Institutes, and Inservice education for Vocational Education teachers, supervisors, coordinators and administrators.

The Leadership Development Awards are to be made to individuals through sponsoring universities and will provide experienced vocational education teachers with an opportunity to update their occupational competency and knowledge in order to be able to raise the standard of vocational education in their own schools. In addition, an attempt will be made to effect improvements in and increase the number of those institutions of higher education that have comprehensive vocational and technical programs in schools of graduate study.

Section 553 authorizes the award of grants to State boards of vocational education to carry out cooperative arrangements for the training and retraining of teachers between schools, private business and industry, and other educational institutions. Such grants will support the leadership efforts of State boards of vocational education in updating and expanding vocational and technical educational opportunities for all, with particular emphasis on minority, poverty, and handicapped groups.

EXHIBIT 2

NUMBER OF TEACHERS OF POSTSECONDARY VOCATIONAL EDUCATION, NATIONALLY

| Program | 1970 | | 1974 | | | |
|---|---|---|---|---|---|---|
| | Number of teachers | States reporting | Number of teachers | States reporting | Numerical increase | Percent increase |
| Agriculture production | 386 | 30 | 498 | 33 | 112 | 29.0 |
| Agriculture off farm | 518 | 33 | 727 | 35 | 209 | 40.5 |
| Distribution and market | 1,301 | 42 | 2,094 | 43 | 793 | 61.0 |
| Home economics, consumer and home | 290 | 26 | 627 | 33 | 337 | 116.0 |
| Home economics, gainful employment | 400 | 33 | 1,042 | 34 | 642 | 160.5 |
| Office | 5,445 | 44 | 7,638 | 43 | 2,193 | 40.0 |
| Public service | 128 | 23 | 335 | 24 | 207 | 162.0 |
| Technical | 6,484 | 44 | 8,896 | 44 | 2,412 | 37.0 |
| Trades and industry | 7,118 | 42 | 8,844 | 42 | 1,726 | 24.0 |
| Health | 4,826 | 43 | 6,666 | 43 | 1,840 | 38.0 |
| Total | 26,896 | ..... | 37,367 | ..... | 10,471 | [1] 39.0 |

[1] Average.

Source: U.S. Office of Education, State Plans for Vocational Education, 1969.

## TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 232 THROUGH 239

Mr. JAVITS. Mr. President, I submit a series of amendments to H.R. 13270. These amendments would change certain provisions in H.R. 13270 relating to the tax treatment of foundations, charitable contributions, small business, handicapped, and other areas. These amendments are in conformity with and implement my testimony before the Senate Finance Committee. I wish to elaborate just briefly on certain of my amendments affecting foundations.

My amendment calling for special tax incentives for the handicapped would give cognizance to the special needs of our handicapped citizens. It would provide the disabled an income-tax deduction of up to $600 to cover transportation to and from work and would also allow the disabled the same additional $600 income tax deduction now given to the blind. Under this bill, the disabled taxpayer in order to qualify for the additional $600 exemption must suffer from a loss of one or more extremities, or 40 percent or more of the loss of ability as defined under the Schedule for Rating Disabilities of the Veterans' Administration. I estimate that some 300,000 disabled persons would qualify under this legislation at a maximum cost to the Government of about $130 each, or $40,000,000 per year.

One of these amendments changes section 506 to provide for a filing fee instead of a tax of 2 percent of a private foundation's net investment income with a minimum fee of $250 and a maximum fee of $10,000. This amendment makes it clear that the charges being assessed against private-foundation income are user fees and not taxes. This will have particular significance in States which base their taxes on the Federal tax base. In addition. I would like to make it clear that lest we establish an undesirable precedent, we are not taxing foundations but merely asking them to bear the estimated costs associated with the increased reporting requirements found elsewhere in H.R. 13270.

Another amendment deals with the definition of a private foundation. I have given this matter considerable thought. I originally had considered that the best way to approach this question was by adding a third category, the public service organization. However, on the basis of discussions I have had with many individuals highly knowledgeable in this area, I now believe that the best approach is to limit the concept of the private foundation to those foundations which are under the control of those persons who would be in a position to provide benefit to themselves through improper use of the foundation. This amendment would therefore carry over the concept found in H.R. 13270 of excluding from the definition publicly supported foundations and in addition would exclude those foundations which are under the control of an independent body.

Another of my foundation amendments deals with the House provision requiring distribution of all current income or a fixed percentage of assets if that be more. My amendment basically permits accumulation of income when it is reasonable in light of the foundation's exempt purposes. To insure against investment by the foundation in assets which are unproductive or not sufficiently productive, a new class of assets called an "accumulating investment asset" is created which ultimately would require the payment of a tax should these assets be held for an unreasonable duration.

The last of my foundation amendments provides, in my judgment, a more rational treatment than the House provisions, which would limit the foundation's ability to own more than a fixed percentage—generally 20 percent—of an interest in any business entity. My amendment imposes a tax of 100 percent of the value of excess business holdings. Excess business holdings will occur where a foundation, together with its disqualified persons, own effective control of any business entity and where the foundation is operated in such a manner that the needs of the business take precedence over the exempt purposes of the foundation. In this regard my amendment provides three levels of presumptions with respect to whether business needs take precedence over exempt purposes: First, where effective control of a business entity is owned for less than 10 years it is rebutably presumed that such needs do take precedence; second, where effective control of a business entity is owned for more than 10 years it is rebutably presumed that such needs do not take precedence, and third, after 25 years, the latter presumption becomes conclusive. Special rules are provided in the case of business entities which are acquired by will, gift, and so forth.

I am also offering an amendment calling for two new types of information to be provided as a regular part of the Secretary of the Treasury's annual report. Specifying the required publication of the information called for by this

amendment would make the public aware of the cost to the Treasury of tax preferences and permit a clearer insight into the allocation of public resources. This information must be publicly available if the public is to intelligently call the attention of the Congress to take appropriate action where needed.

Mr. President, I testified with respect to all of these amendments before the committee, and inasmuch as the committee is now considering the measure, in all fairness, in accordance with the promise which I made to the committee, they should have the text of my amendments before them.

Mr. President, I am convinced if we ever passed the bill as it came from the other body, it would affect all of our foundations, charitable contributions, hospitals, community chests, and so forth. I do not blame the other body. Many things they did were good. That is why we have a bicameral legislature. However, it is important that these matters be straightened out.

They have now begun to realize what would happen in this situation from the outcry from many deserving people in our land who have given their lives and volunteered their efforts, but many of these provisions would inhibit them in their philanthropic acts.

I ask unanimous consent that these amendments be printed in full in the RECORD.

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

The amendments (Nos. 232 through 239) were referred to the Committee on Finance, as follows:

AMENDMENT NO. 232

At the end of the bill add the following new section:

"SEC. —. INFORMATION TO BE INCLUDED IN SECRETARY'S ANNUAL REPORT

"(a) REVENUE LOSSES.—The Secretary of the Treasury shall include in his annual report to the Congress estimates of the losses in revenues for the fiscal year for which such report is submitted which result under the provisions of subtitle A of the Internal Revenue Code of 1954 and other laws of the United States from—

"(1) the exclusion of items of income for purposes of the taxes imposed by such subtitle,

"(2) the deductions allowed under such subtitle,

"(3) the deferral of the imposition of the taxes imposed by such subtitle, and

"(4) such other special tax provisions in such subtitle or in other laws of the United States as the Secretary considers appropriate to carry out the purposes of this subsection.

"The Secretary shall include in such report only those revenue losses which in his judgment are significant and can be ascertained with reasonable accuracy.

"(b) TAX EXPENDITURES.—The Secretary of the Treasury shall include in his annual report to the Congress estimates of the indirect expenditures made and to be made by the Government through the application and operation of the Federal income tax laws for the fiscal year for which such report is submitted and for the preceding and succeeding fiscal years. Such indirect expenditures shall be related, insofar as possible, to budget outlays as set forth in the Budget of the United States Government for the same fiscal year for which such report is submitted. Such indirect expenditures shall be based on the revenue losses described in subsection (a), but, for purposes of this subsection, such losses may be qualified in such manner as the Secretary considers appropriate to carry out the purposes of this subsection."

AMENDMENT NO. 233

On page 5, delete lines 1 through 7 and insert in lieu thereof the following:

"PART II—PRIVATE FOUNDATIONS

"Sec. 506. Filing fee for private foundations.
"Sec. 507. Tax on termination of private foundation status.
"Sec. 508. Special rules with respect to section 501(c)(3) organizations.
"Sec. 509. Private foundation defined.

"SEC. 506. FILING FEE FOR PRIVATE FOUNDATIONS.

"(a) IMPOSITION OF FILING FEE.—A filing fee of 2% of the net investment income of every private foundation (as defined in section 509) is hereby imposed for each taxable year subject to the following limitations:

"(1) MINIMUM FILING FEE.—The minimum filing fee imposed hereby is $250.00.

"(2) MAXIMUM FILING FEE.—The maximum filing fee imposed hereby is $10,000.00."

AMENDMENT NO. 234

At the end of the bill add the following new section:

"SEC. ——. COMMUTING EXPENSES OF DISABLED TAXPAYERS; ADDITIONAL PERSONAL EXEMPTION.

"(a) COMMUTING EXPENSES.—

"(1) ALLOWANCE OF DEDUCTION.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

"'SEC. 218. TRANSPORTATION OF DISABLED INDIVIDUAL TO AND FROM WORK.

"'(a) GENERAL RULE.—In the case of a disabled individual, there shall be allowed as a deduction expenses paid during the taxable year for transportation to and from work to the extent that such expenses do not exceed $600.

"'(b) DISABLED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term "disabled individual" means an individual who is blind (as defined in section 151(d)(3)) or who has lost or lost the use of one or more of his extremities to such an extent that he is unable during the entire taxable year to use, without undue hardship or danger, a streetcar, bus, subway, train, or similar form of public transportation, as a means of traveling to and from work. A taxpayer claiming a deduction under this section shall submit such proof that he is a disabled individual as the Secretary of the Treasury or his delegate may by regulations prescribe. The regulations so prescribed shall provide that—

"'(1) if the taxpayer is a veteran with a service-connected disability, a certification from the Veterans' Administration that his disability (to the extent based upon or attributable to loss or loss of use of one or more of his extremities) has a rating of 40 percent or more under the Schedule for Rating Disabilities of the Veterans' Administration (Federal Register, vol. 29, No. 101, part II) shall be deemed conclusive proof that he is a disabled individual for purposes of this section; and

"'(2) in any other case, a certification from the United States Public Health Service or any local office thereof that the taxpayer's disability (to the extent based upon or attributable to loss or loss of use of one or more of his extremities) has a rating of 40 percent or more as determined in accordance with such schedule shall be deemed conclusive proof that he is a disabled individual for purposes of this section.'

"(2) CLERICAL AMENDMENT.—The table of sections for such part VII is amended by striking out

"'SEC. 218. CROSS REFERENCES.'

and by inserting in lieu thereof the following:

"'SEC. 218. TRANSPORTATION OF DISABLED INDIVIDUAL TO AND FROM WORK'.

"'SEC. 219. CROSS REFERENCES.'

"(b) ADDITIONAL EXEMPTION.—

"(1) IN GENERAL.—Section 151 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new subsection:

"'(f) ADDITIONAL EXEMPTIONS FOR DISABILITY.—

"'(1) FOR TAXPAYER.—An additional exemption of $600 for the taxpayer if he is a disabled individual.

"'(2) FOR SPOUSE.—An additional exemption of $600 for the spouse of the taxpayer if the spouse is a disabled individual and if the taxpayer is entitled to an exemption under subsection (b) for such spouse.

"'(3) DISABLED INDIVIDUAL DEFINED.—The term "disabled individual" means an individual who during the entire taxable year of the taxpayer has a loss or loss of use of one or more of the extremities. A taxpayer claiming a deduction under this subsection shall submit such proof that he (or his spouse) is a disabled individual as the Secretary of the Treasury or his delegate may be regulations prescribe. The regulations so prescribed shall provide that—

"'(A) if such individual is a veteran with a service-connected disability, a certification from the Veterans' Administration that the disability (to the extent based upon or attributable to loss or loss of use of one or more of the extremities) has a rating of 40 percent or more under the Schedule for Rating Disabilities of the Veterans' Administration (Federal Register, vol. 29, No. 101, part II) shall be deemed conclusive proof that such individual is a disabled individual for purposes of this section; and

"'(B) in any other case, a certification from the United States Public Health Service or any local office thereof that such individual's disability (to the extent based upon on or attributable to loss or loss of use of one or more of the extremities) has a rating of 40 percent or more as determined in accordance with such schedule shall be deemed conclusive proof that such individual is a disabled individual for purposes of this section.'

"(2) CONFORMING AMENDMENTS.—

"(A) Paragraph (1) of section 3402(f) (relating to withholding exemptions) is amended by adding at the end thereof the following new subparagraph:

"'(G) one additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151(f)(1) (relating to the disabled) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit.'

"(B) Subparagraph (D) of such paragraph (1) is amended by striking out '(C), or (F),' and inserting in lieu thereof '(C), (F), or (G)'.

"(C) Subparagraph (E) of such paragraph (1) is amended by striking out 'and' at the end thereof:

"(D) Subparagraph (F) of such paragraph (1) is amended by striking out the period at the end and inserting in lieu thereof '; and'.

"(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b)(1) shall apply only to taxable years ending after the date of the enactment of this Act. The amendments made by subsection (b)(2)

shall apply only with respect to payments of wages made after the date of the enactment of this Act."

AMENDMENT NO. 235

On page 15, delete lines 10–24 inclusive; on page 16 delete lines 1–6 inclusive and insert in lieu thereof the following:

"(2) an organization which—

"(i) is publicly supported within the meaning of section 170(c)(2); or

"(ii) is governed by a body whose members serve without compensation (except to the extent permitted by section 503(c)(2)) and who are not under the control directly or indirectly of any disqualified person (as defined in section 4946);"

AMENDMENT NO. 236

On page 25, delete lines 20–25 inclusive; delete pages 26, 27, 28, 29, 30, 31, 32, and 33; on page 34 delete lines 1–16 inclusive and insert in lieu thereof the following:

"SEC. 4942. TAXES ON UNREASONABLE ACCUMULATIONS OF INCOME.

"(a) IMPOSITION OF TAX.—In addition to other taxes imposed by this chapter and the fee imposed by Sec. 506, a tax is hereby imposed on the accumulated income of a private foundation for any taxable year or for any prior taxable year and not actually paid out before the end of the correction period are—

"(1) unreasonable in amount or duration in order to carry out the exempt purposes of such private foundations; or

"(2) used to a substantial degree for purposes or functions other than those relating to the exempt purposes of such private foundation.

"(b) RATE OF TAX.—In any case in which a tax is imposed under subsection (a), the tax shall be 100% of the amount of accumulated income so determined thereby.

"(c) TAX ON THE MANAGEMENT.—In any case in which a tax is imposed under subsection (a), there is hereby imposed on any foundation manager who participates in the making of such accumulation with the knowledge that such accumulation will be subject to a tax under subsection (a), a tax equal to 50% of the amount of accumulated income so determined by subsection (a). Where, under the preceding sentence, more than one foundation manager is liable for a tax with respect to the same accumulated income, the liability for such managers for tax under this subsection shall be joint and several.

"(d) ACCUMULATED INCOME.—For the purposes of this section, the term accumulated income means, with respect to any private foundation for any taxable year, the aggregate amounts of adjusted net income for the taxable year and prior taxable years, reduced by the aggregate amount of qualifying distributions made before such time.

"(e) ACCUMULATING INVESTMENT ASSETS.—

"(1) GENERAL.—There shall be included in adjusted net income for any taxable year 2% of the aggregate fair market value of each asset of the foundation which is not being used (or held for use) directly in carrying out the foundation's exempt purpose reduced by such asset's acquisition indebtedness (as defined in Section 514(c)(1)) and further reduced (but not below zero) by the income specifically derived from such asset.

"(2) VALUATION.—For the purposes of paragraph (1), the fair market value of securities for which market quotations are readily available shall be determined on a quarterly basis. For all other assets, the fair market value shall be determined at such times and in such manner as the Secretary or his delegate shall by regulation prescribe.

"(f) ADJUSTED NET INCOME.—

"(1) DEFINED.—For purposes of this section the term 'adjusted net income' means the excess (if any) of—

"(A) the gross income for the taxable year (determined with the modifications provided by paragraph (2)), over

"(B) the sum of—

"(i) the deductions (determined with the modifications provided by paragraph (3)) which would be allowed to a corporation subject to the tax imposed by section 11 for the taxable year, plus

"(ii) the amount of the tax imposed by section 511 for such year, plus

"(iii) the amount of the fee imposed by section 506 for such year.

"(2) INCOME MODIFICATIONS.—The modifications referred to in paragraph (1)(A) are as follows:

"(A) section 103 (relating to interest on certain governmental obligations) shall not apply, and

"(B) capital gains and losses from the sale or other disposition of property shall be taken into account only in an amount equal to any net short-term capital gain for the taxable year.

"(3) DEDUCTION MODIFICATIONS.—The modifications referred to in paragraph (1)(B)(1) are as follows:

"(A) no deduction shall be allowed other than all the ordinary and necessary expenses paid or incurred for the production or collection of gross income or for the management, conservation, or maintenance of property held for the production of such income, and

"(B) section 265 (relating to expenses and interest relating to tax exempt interest) shall not apply.

"(4) TRANSITIONAL RULE.—For purposes of paragraph (2)(B), the basis of property held by the private foundation on December 31, 1969, and continuously thereafter to the date of its disposition shall be deemed to be not less than the fair market value of such property on December 31, 1969.

"(g) QUALIFYING DISTRIBUTIONS DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualifying distribution' means—

"(A) any amount paid out to accomplish one or more purposes described in section 170(c)(2)(B), other than any contribution to (i) an organization controlled (directly or indirectly) by one or more disqualified persons (as defined in section 4946) with respect to the foundation, (ii) a private foundation, or (iii) an organization which would be a private foundation if it were a domestic organization, or

"(B) any amount paid out to acquire an asset used (or held for use) directly in carrying out one or more purposes described in section 170(c)(2)(B).

"(h) TREATMENT OF QUALIFYING DISTRIBUTIONS.—Any qualifying distribution made during a taxable year shall be treated as made out of the accumulated income if any of the foundation. Where a qualifying distribution reduces the accumulated income of the foundation below zero, such deficit of accumulated income may be carried forward to the five next succeeding taxable years.

"(i) CORRECTION PERIOD.—The term 'correction period' means, with respect to any foundation for any taxable year, the period beginning with the taxable year and ending 90 days after the date of mailing of a notice of deficiency (with respect to the tax imposed by subsection (b)) under section 6212, extended by—

"(1) any period in which a deficiency cannot be assessed under section 6213(a), and

"(2) any other period which the Secretary or his delegate determines is reasonable and necessary to permit a distribution of accumulated income taxable under this section."

AMENDMENT NO. 237

On page 313, delete lines 17 through 23 inclusive; delete pages 314, 315, and 316 inclusive; on page 317, delete lines 1 through 14 inclusive: Renumber remaining sections accordingly.

AMENDMENT NO. 238

On page 127, delete lines 11 through 23 inclusive; page 128, delete lines 1 through 2 inclusive; page 130, delete lines 3 through 6 inclusive; page 131, delete lines 14 through 24 inclusive; page 132, delete 1 through 2 inclusive; page 135, delete lines 3 through 23 inclusive; delete page 136 inclusive; page 137, delete lines 1 through 19 inclusive: Renumber remaining sections accordingly.

AMENDMENT NO. 239

On page 34, delete lines 18–25 inclusive; delete pages 36, 37, 38, 39, 40, and 41 inclusive; page 42, delete lines 1–21 inclusive, and insert in lieu thereof the following:

"(a) IMPOSITION OF TAX.—There is hereby imposed at the end of the correction period on the excess business holdings of any private foundation in any business enterprise a tax equal to 100 per centum of the value such excess holdings.

"(b) EXCESS BUSINESS HOLDINGS.—A private foundation shall be deemed to have excess business holdings with respect to any business entity if

"(1) the holdings of the private foundation together with the holdings of all disqualified persons constitute effective control of such business entity; and

"(2) the business needs of such business entity are allowed to take precedence over the exempt purposes of the private foundation.

"(c) BUSINESS NEEDS PRESUMPTIONS.—Where a private foundation meets the requirements of subsection (b)(1) with respect to any business entity there shall be

"(1) a rebutable presumption that where such requirements have been met for less than ten years, the needs of such business entity take precedence over the exempt purposes of the foundation;

"(2) a rebutable presumption that where such requirements have been met for ten years or more but less than twenty-five years, the needs of such business entity do not take precedence over the exempt purposes of the foundation;

"(3) where such requirements have been met for twenty-five years or more, the presumption of subsection (2) shall be conclusive.

"(d) SPECIAL RULES WITH RESPECT TO PROPERTY ACQUIRED BY WILL, GIFT, BEQUEST, ETC.—Interests in any business entity received by a private foundation by will, gift, bequest, etc. shall be considered for the purposes of this section to be held by such foundation for the shortest of the following periods; provided that, the foundation does not at the time of receipt of such interest have effective control of the business entity.

"(1) the date from which such interest is actually received if received by the foundation from other than a disqualified person;

"(2) the date from which the foundation first held an interest in such business entity; provided that, the donor of such interest was at all times during such period a disqualified person with respect to the foundation as a result of an interest owned by such donor in such business entity; or

"(3) the date from which the donor of such interest first acquired an interest in such business entity; provided that, as a result of the acquisition of such interest, the donor became and at all times during the period a disqualified person with respect to such foundation.

"(e) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

"(1) BUSINESS HOLDINGS.—In computing the holdings of a private foundation, or a disqualified person (as defined in section 4946) with respect thereto, in any business enterprise, any stock or other interest owned, directly or indirectly, by or for a corporation,

partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

"(2) CORRECTION PERIOD.—The term 'correction period' means, with respect to excess business holdings of H.R. 13270–6, a private foundation in a business enterprise, the period ending 90 days after the date of mailing of a notice of deficiency (with respect to the tax imposed by subsection (b)) under 6212, extended by—

"(A) any period in which a deficiency cannot be assessed under section 6213(a), and

"(B) any other period which the Secretary or his delegate determines is reasonable and necessary to permit orderly disposition of such excess business holdings.

"(4) FUNCTIONALLY RELATED BUSINESS.—The term 'business enterprise' does not include a trade or business—

"(A) which is not an unrelated trade or business as defined in section 513, or

"(B) which is carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which is related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exempt purposes of the organization."

## PUBLIC TRANSPORTATION ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 240

Mr. WILLIAMS of New Jersey, for himself, Mr. CRANSTON, Mr. HARRIS, Mr. HART, Mr. INOUYE, Mr. MONDALE, and Mr. TYDINGS, submitted an amendment, intended to be proposed by him, to the bill (S. 2821) the Public Transportation Assistance Act, which was referred to the Committee on Banking and Currency, and ordered to be printed.

## ECONOMIC OPPORTUNITY ACT—AMENDMENT

AMENDMENT NO. 241

Mr. JAVITS submitted an amendment intended to be proposed by him to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, which was ordered to lie on the table and to be printed.

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

## REFORMS OF INCOME TAX LAWS—AMENDMENTS

AMENDMENTS NOS. 242, 243, AND 244

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

## ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 228

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Montana (Mr. MANSFIELD), the Senator from Nevada (Mr. CANNON), the Senator from Nebraska (Mr. HRUSKA), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from California (Mr. MURPHY), the Senator from South Carolina (Mr. THURMOND), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) be added as cosponsors of my amendment No. 228, in the nature of a substitute to Senate Joint Resolution 158, to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

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

## JAVITS URGES $100,000,000 IN DISASTER RELIEF FOR MEDICAL SCHOOLS; CHAIRS EMERGENCY MEETING OF ALL STATE MEDICAL SCHOOL DEANS

Mr. JAVITS. Mr. President, I invite attention to a conference I had yesterday with 12 medical schools in New York State which are facing a major disaster. One of them is in danger of closing almost any day.

My proposal would urge Congress to make a special disaster relief provision for all medical schools in the country—94 of them—for $100 million, to carry them over the dreadful emergency period which arises out of the reforms we made, and which the States followed, in medicaid and medicare, and the cutdown in the research funds which the hospitals had been relying on from the National Institutes of Health and other research projects.

Mr. President, it just does not make sense to have our medical schools on the brink of disaster when their contributions to the health of the Nation are so vital. I know of at least three distinguished institutions in New York State—the New York Medical College, the New York University School of Medicine and Albert Einstein College of Medicine of Yeshiva University—facing an acute financial crisis which is threatening their very survival. I also understand that numerous medical schools and research institutions in the Nation are reported to be cutting back their programs because of reduced medicaid reimbursements and Federal research grants. Even our great State-run institutions, which are attempting to develop and expand to meet pressing needs, are finding it difficult to obtain funds from State sources to enable them to meet their responsibilities.

To meet the fiscal crisis—a crisis with the gravest moral and humanitarian implications—facing medical schools and research institutions in New York State, I have called this emergency meeting of the deans of all 12 medical schools throughout the State. What I hope will come out of this meeting are a set of recommendations and a bill of particulars to present to Health, Education, and Welfare Secretary Finch, listing all the vital programs of these institutions that are being cut back or eliminated altogether as a result of the drastic cuts in medicaid reimbursements and Federal funding. These recommendations and particulars will also be presented to the New York State Health Department, but I must stress that the primary responsibility for meeting this emergency rests squarely with the Federal Government. This, of course, is true for every State in the union. The effects of research cuts reverberate throughout a medical school, affecting teaching and graduate training as well as science. When budget cuts slice deeply into funds for research-training grants and fellowships, the effect is to dry up the supply of future teachers who will be needed to produce the larger numbers of doctors that both the present and earlier administrations have said our Nation must have. The administration must provide the funds if we are to solve the health manpower problem.

I believe that the proposed Federal budget for health programs, so vital to the continued existence of our medical schools, and at a time when their resources are greatly needed by all America, is insufficient in our ordering of priorities. My survey of the 1970 budget for the Department of Health, Education, and Welfare shows why medical schools—which have a major part of their support furnished through Federal grants—are in such dire financial straits.

We have a $15,600,000 appropriations shortfall for institutional and special project grants, a $44,000,000 appropriations shortfall for construction and renovation of educational facilities and a $20,000,000 appropriations shortfall for health-research construction grants, to mention but a few.

Then let us look at but some of our more established research programs. The National Cancer Institute estimated it needed $203,741,000, but only $180,725,000 is scheduled to be appropriated—a $23,000,000 shortfall. And yet last year there were 615,000 new cancer cases and cancer mortality is steadily increasing.

The National Heart Institute estimated it needed $186,708,000, but only $160,513,000 is scheduled to be appropriated—a $26,000,000 shortfall. And yet diseases of the heart and circulatory system are the major cause of death in the United States and account for 54 percent of all deaths.

The National Institute of Child Health and Human Development estimated it needed $85,065,000, but only $75,852,000 is scheduled to be appropriated—a $10,000,000 shortfall. And yet uncontrolled population growth is one of the most critical problems of our time, affecting the health and well-being of everyone. I could go on and on, for each of the divisions of the National Institutes of Health, but the story is all too clear from these few examples.

Student assistance programs—which include traineeships, scholarships, and opportunity grants—were reduced by the Bureau of the Budget by $21,500,000.

As an emergency measure—to avoid the pending financial disaster of our medical schools—I would recommend that we act now to appropriate no less than $100,000,000 to offset the States reduced appropriations. Such funding would be similar to disaster relief programs we have previously enacted to

meet the ravages of flood and hurricane, only this time it is our entire Nation that faces disaster—a health crisis—if our medical schools cannot meet the existing financial crisis.

If we are to meet the critical shortage of physicians—estimated at 52,000 this year—we must allocate sufficient resources to establish a Federal commitment to assist schools of medicine in increasing their output of physicians as rapidly as possible. We in Congress have passed the laws to help us to accomplish this goal. Now we must be certain that there are increased appropriations to meet this objective, not cutbacks which place the medical schools in financial straits, causing them to curtail programs or contemplate closing down altogether.

The Carnegie Commission has reported that it will take $500,000,000 to begin to put our Nation's medical schools on the road to recovery. While I understand the necessity to reduce Federal spending as a curb to inflationary pressures, I believe we must reorder our priorities so that Federal support of medical research and education is sufficient to meet the challenge of a burgeoning health crisis. I believe that Federal funding for our medical colleges is an investment in the health care of the people and that we cannot afford to permit it to regress.

## DR. STIMMEL ON METHADONE MAINTENANCE PROGRAM

Mr. JAVITS. Mr. President, the Special Subcommittee on Alcoholism and Narcotics recently concluded hearings—under the able leadership of the Senator from Iowa (Mr. HUGHES)—at the Mount Sinai Medical Center in New York City.

I have long been concerned about the problem of heroin addiction—a matter of much anxiety and yet, paradoxically, little action by our Nation. I have long stressed that narcotic addiction and drug abuse—a complex myth-ridden field—has been grossly underfunded by the Federal Government. What is required is a Federal commitment—adequately funded—to State, local, and private programs of research, experimentation in narcotics prevention; and for rehabilitation and after-care services.

The enormity of the problem in New York City alone staggers the imagination. The city has records of some 42,000 heroin addicts but that does not include addicts not in prison nor in voluntary treatment and it was testified that the number of addicts is more accurately nearer 100,000. The economic impact—the cost to citizens and taxpayers—exceeds $1 billion a year.

The efforts of Mount Sinai—without Federal assistance—to help the addicted individuals in its community—East Harlem where there are over 200,000 people and one out of every 100 is a known heroine addict—through utilization of a methadone maintenance program was testified to by Dr. Barry Stimmel, Chief Resident Medicine and Instructor in the Department of Medicine at Mount Sinai School of Medicine. In view of the controversy surrounding methadone maintenance, and the urgent need to establish a Federal commitment to meet the burgeoning problem of narcotic addiction and drug abuse, I commend Dr. Stimmel's testimony to my colleagues and ask unanimous consent to have it printed in the RECORD.

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

TESTIMONY GIVEN AT THE U.S. SENATE SPECIAL SUBCOMMITTEE ON ALCOHOLISM AND NARCOTICS, NEW YORK, N.Y., OCTOBER 4, 1969

(By Dr. Barry Stimmel, chief resident, Medicine/Instructor Department Medicine, co-director methadone maintenance program, Mount Sinai Medical Center and School of Medicine)

Senators: The purpose of my appearing before this committee hearing today, as I understand it, is to try and explain how an institution without any specific federal, state, or city grants can become deeply involved in a problem of immense social importance and can succeed in initiating a functioning program to combat ths problem. I am referring of course to the subject of narcotic addiction. I am certain that by this time you must be saturated with statistics related to the prevalence of heroin usage throughout the country, and especially in the New York City area, which has been said to house more than one half the nation's heroin addicts.[1]

In order to stress the enormity of this problem I would like to focus on the number of addicts in one small section of New York City:—that of East Harlem which contains only 8 of the more than 80 health districts in the borough of Manhattan. In East Harlem, where there are over 200,000 people, approximately 1 out of every 100 is a known addict.[2] Does this seem surprising? Well it is an estimate that is quite a conservative one. It is almost impossible to arrive at a statistically significant figure but just to engage in some thought, I reviewed the records of the emergency room in Mount Sinai Hospital over a month's period of time. Approximately 1 out of every one hundred patients seen in the hospital's emergency room is an addict who is clinically ill with hepatitis. It is fairly well established that ⅓ to ½ of all addicted persons have abnormal liver functions without clinical signs of hepatitis. Furthermore, a significant percentage have no hepatic abnormalities at all so that the actual number of heroin addicts is far greater than that reported.

Other medical complications of heroin addiction in addition to liver disease are frequent and often fatal; antibiotic resistant bacterial pneumonias, tetanus, and infection of the valves of the heart are just a few. The death rate in these patients is inordinately high, as many as 25% of all addicts dying before reaching their 40th year.[3] In addicts under 30 years of age, 16 deaths per 1000 have been reported.[4]

However, of equal importance are the social effects of drug addiction upon the addict as well as society. Although an addict may be on heroin continuously for 20% of his adult life, studies have shown that he is socially disabled for 80% of this time.[5] An addicted individual loses respect not only for the society around him, but more importantly for himself. He is unable to function, is depressed, is defensive and is disgusted by his illness far more than those who view him. And he reacts—he reacts in the one avenue open to him, more heroin, more frequently. Economically this means supporting a habit of $40 to $75 per day. He utilizes whatever means are available to him to obtain drugs. He lies, "pushes" drugs to others, robs, hustles and prostitutes himself to obtain the "stuff." Estimates of up to 60% of the robberies in New York City are attributed to persons on drugs. Up to 52 convictions per 100 man years of addiction have been reported.[6]

For these reasons drug addiction is everybody's "bag." It is a disease, not a crime and something that should be dealt with by both laymen and physicians alike. Complacency with cancer is unheard of, yet heroin metastasizes for more rapidly.

What then can be done to alleviate this problem? Many methods are in practice today ranging from intense psychoanalytic therapy to the use of narcotic substitutes to the actual dispensing of heroin, as in existence in Great Britain. Most of these programs have been difficult to evaluate and none have been shown to be a cure for drug addiction. However, certain immediate goals can be easily visualized: First, help the addict become physically well by removing the germ infested equipment with which he literally poisons himself; second, show him that he is indeed able to be a functioning member of society—able to stay with his family and not be interred in a closed, artificial community; that he is not forced to steal and degrade himself to feed his habit; third, support him with whatever means necessary to keep him from getting overly anxious and slipping back to his illness and finally, enable him to develop sufficient self-respect and free himself of all drug escapes entirely.

After careful consideration the Mount Sinai Medical Center felt that a Methadone Maintenance Program might be the answer to the first three of these goals and could assist the addicted individual in eventually achieving the last. Methadone Maintenance to date appears to be the only method of treating, note, I did not say curing, drug addiction that has been scientifically and objectively evaluated with published results open to all who are interested. I wish to briefly emphasize certain figures which may have been stated earlier in this hearing. They are taken from reports based on the work of Drs. Vincent Dole and Marie Nyswander and represent a patient load of up to 1200 patients.[6 7]

After the first year of Methadone treatment, over 85% of patients are no longer addicted to heroin. Eighty-eight percent (88%) of patients in the program have arrest free records as compared to 36% of patients in a detoxification center. At the end of two years, 85% of the patients are working or in school as compared to 28% at the start of the program, and the number of patients on welfare decreased from 40% to 15%. All this is done without removing the addicted individual from his family unit. Furthermore, Methadone does not cause euphoria, and the patients are now able to function at a greatly improved level. However, most important, in the dosage of Methadone administered the euphoric effects of heroin are blocked, thereby eliminating the desire to illicitly obtain the drug.

In February 1969 the Department of Medicine in the Mount Sinai Hospital Medical Center, Mount Sinai School of Medicine, operating on a "shoe string" budget, started its out-patient Methadone Program. The staff consisted of a receptionist, a research assistant who is a former addict, two internists on a part time basis and a psychiatric consultant. The physical layout was quite small. It was felt that official notification of the opening should not be released until a measure of community acceptance became manifest. Within one week over 30 applications were filed; within two weeks close to 100 and within three weeks upwards of 200 applications had been received and no further application forms were handed out due to inability of the staff to keep pace with the investigative load.

The criteria for admission were simple: (1)

Footnotes at end of article.

the absence of a mixed addiction; (2) heroin addiction greater than four years duration (3) patients over 21 years of age. Due to the large number of applicants, parents and married patients were given priority. The clinic is open from 9 AM to 7 PM to enable working patients to be seen after hours. An answering service functions from 7 PM to 9 AM for any patients who might run into unexpected difficulty. All patients accepted to the program are carefully monitored according to the criteria suggested by Drs. Dole and Nyswander. New patients receive a complete medical evaluation including psychiatric consultation when indicated and associated conditions are treated by use of other hospital facilities. Three new patients are added each week to the program. At the present time 65 patients are being maintained on Methadone. Since the first patient was placed on Methadone in March, 1969, only one patient has been dropped from the program and that was within the first week of treatment. The age of the patients ranges from 21 years up to 47 with the mean being in the late twenties. It is felt by both patients and staff alike that the program has been quite successful. Despite the lack of outside funds and a direct affiliation with any large drug addiction center, the Mount Sinai Medical Center has shown that it is not only possible, but feasible for all voluntary hospitals, with proper training, to become effectively involved in the treatment of addiction with Methadone. This would eliminate the need for the establishment of costly "de noveau" structure for the treatment of addiction and take the problem back into the hospitals in the involved community.

Yet, as of the present, we have been forced to temporarily stop enrolling new patients. The reason for this is simple. There is no money, in spite of the apparent concern of everyone in both business and the community over drug addiction. Methadone programs are finding it increasingly difficult to obtain funds. This is due to ignorance—ignorance not only of the lay, but also of the professional community which believe that Methadone is being falsely promoted as a cure to drug addiction. Methadone is not a panacea but it is an effective means of placing the addict on the road to recovery.

One of the most frequent complaints of the community is that Methadone is being used to narcotize the less fortunate individuals in our society. Some feel that it is merely another form of addiction. It is true that Methadone is an addictive drug; however, it does not cause euphoria and loss of control as does alcohol, nor lethargy as do barbituates. It does enable the addict to enter society as a functioning member. In fact, if the number of addicts who as potential Methadone patients were compared to the number of people in this country who are on the numerous tranquilizers which are habituating and legally dispensed by physicians, those on Methadone would not be in the majority.

Methadone is not the answer for all addicted patients; the adolescent addict for example represents a whole new challenge in the fight against drug addiction. The in-resident homes such as Day Top Village, Exodus House, Phoenix House, and Odyssey House, just to mention a few, also represent valid approaches to drug addictions. But to accept one concept is not to preclude the effectiveness of Methadone.

How expensive is it to run a Methadone clinic? To merely dispense Methadone cost about 12¢ per day per patient. However, with paramedical and medical support which is essential to any well run clinic the cost per patient per year is $1000. Does this seem expensive? Compare it to the $1000 the addict steals in one month's time to feed his habit; compare it to the amount of money that is being spent on the 40% of addicts on welfare; compare it to the price one puts on the safety an individual does not experience when walking down the street in a ghetto neighborhood and compare it to the price of a human being's self-respect. There really is no comparison. Only one tenth of the money that insurance companies pay out each year on robberies committed in the City of New York could adequately finance Methadone clinics in most voluntary hospitals.

Methadone represents a successful initial attempt to enable the drug addict to become a useful functioning member of society. Methadone Maintenance is the only method to date that has been objectively evaluated and found to be effective. It should be expanded to include functioning clinics operating out of every large voluntary hospital in the city. Drug addiction is everybody's problem. The Methadone Maintenance Clinic at the Mount Sinai Medical Center is one of the fruitful attempts of the Medical Center to combat a rapidly spreading disease. The next question to be asked is what are you going to do about it?

FOOTNOTES

[1] Traffic in Opium and Other Dangerous Drugs. U.S. Government Bureau of Narcotics 1968.

[2] Amsel, Z., Narcotics Register—Development of a Case Register 1969.

[3] Valiant, G. E., 12 year Follow Up of Narcotic Addicts: The Natural History of a Chronic Disease, NEJM 1966 275:1282–1289.

[4] Duvall, H.S., Locke, G., Brill, L., Follow-up Study of Narcotic Addicts, Public Health Rep. 1963, 78:185.

[5] Valiant, G. E. Ibid.

[6] Dole, V. P., Nyswander, M. E., Wayne A., Successful Treatment of 750 Criminal Addicts, JAMA 1968 206:2207.

[7] Progress Report of Evaluation of Methadone Maintenance Treatment Program, as of March 31, 1968. JAMA 1968 206:2712–2714.

## VIETNAM MORATORIUM

Mr. PELL. Mr. President, on Wednesday, October 15, many college students and faculties around our country will take part in a peaceful day of protest to the war in Vietnam. And here I speak as one who has long opposed our Vietnam war policies, and who no longer feels so lonely. But I must add that, if vilence or unlawful actions occur, the Vietnam moratorium will do more harm than good.

I believe that the October 15 moratorium appears to be a constructive step toward providing a peaceful outlet for legitimate protests on our Nation's campuses and in our communities.

In addition to voicing their deep concern about the war, these young people also want to demonstrate there is still a place in our society for peaceful and rational protest rather than the violent approach of the Students for Democratic Society—SDS—and the Students for Democratic Action—SDA.

The students want to work within the framework of the democratic process in an effort to activate a broad cross section of the community.

In doing so, their efforts should be viewed by the people of our Nation, not as a "radical student reaction" to the war but as an honest expression of the views of the many who are against the war in Vietnam.

For those of us with responsibilities in decisionmaking in our national affairs, it is necessary indeed that we better understand the agonizing crisis which faced so many of our young to whom the war seems neither right nor reasonable.

To them, Vietnam is not an academic issue. Rather, it is, in all likelihood, an imminent experience whereby their country may well demand that they be willing to die and be prepared to kill for a cause which they believe to be morally wrong.

It is unrealistic to expect our campuses to be models of scholarly detachment from current political issues. In fact, it would be odd if discussion of the war did not take place in our classrooms.

President Mason W. Gross of Rutgers University said:

> We ought always as a university community, to examine and debate among ourselves, in the freest and fullest way, all the great problems—war and peace, foreign and domestic policies, our national priorities, and the universities' responsibility to the community . . . demonstrate positively and dramatically the role of the university as teacher, as guardian of civilized values, and as the critical and moral intelligence which compels the community to ponder its courses of action.

If political protest in the colleges must not be repressed, neither should it be imposed. University authorities have adopted varying attitudes toward the moratorium. In the California State College, faculty members who dismiss their classes will risk "formal disciplinary proceedings." On the other hand, at Rutgers, classes have been canceled for the day.

Most colleges will open, which I believe is the right course to follow. As Robert F. Goheen, president of Princeton University, has said:

> It is not right to force participation in this sort of protest.

But there should be no penalties for those who do engage in it as long as they do so in a peaceful manner.

It is vital that our younger generation should find that when they conduct themselves with dignity and in a law abiding manner, their views are treated with respect. They will discover that it is not only through mindless screaming and violence that they can gain a national forum. If this enterprise is scorned or ignored, many students may be more tempted to listen to the radicals who denounce American democracy as a fraud.

Wisely, the moratorium leaders have decided not to restrict their activities to the campuses. They also plan to go out into the wider community, which may help contribute to restoration of communications between students and parents, friends, and neighbors. Hopefully, mutual understanding will be fostered. Sam Brown, moratorium organizer, has promised—

> We will try to engage people in conversation rather than in polemics.

Obviously, there are dangers involved. I emphatically denounce violence and earnestly implore respect for the views of others. It is important we behave responsibly.

If it contributes toward calming our campuses, informing our people, and leading toward peace, the moratorium will have achieved much. We must all

seek to avoid the perils in order to realize the promises.

For all these reasons, I believe the Vietnam moratorium is an excellent idea. If our people—old and young—who believe our National Government must press more vigorously for dissolution of our involvement in Vietnam stand fast together, it will be a constructive day.

I also hope that those who participate in the moratorium give consideration to our moral commitment in Vietnam which is that our withdrawal does not result in the slaughter of any Vietnam citizen because of his identification with us—no matter whether the identification is for reasons of patriotism or cupidity. I would hope that the advocates for withdrawal of our forces would also advocate recognition of responsibility to arrange asylum for those who seek it in fear of their lives.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield?

Mr. PELL. I yield.

Mr. JAVITS. Mr. President, I identify myself with the views of the Senator from Rhode Island on the Vietnam moratorium. I had serious doubts about it. I did not want to be a party to those who would go in for draft-card burning or flag burning, or anything like that. But I think, for this day, they are entitled to our support. I announced mine this morning.

I am very glad to hear that the Senator from Rhode Island has pretty much the same reaction.

The people of this country are entitled to this opportunity and I am going to join them as another guarantee that it will be kept the way it is represented—to wit, a peaceful and honorable protest under the first amendment.

I hope very much that they will be vigilant to keep out all those who would destroy our Constitution, and destroy our laws, under the guise of a protest against the Vietnam war. It is unnecessary to that protest. It would only destroy the protest itself.

I thank my colleague from Rhode Island.

Mr. PELL. I thank my friend and colleague from New York very much for his comments.

## LAWYERS COMMITTEE OF PRESIDENT'S COMMISSION FOR THE OBSERVANCE OF HUMAN RIGHTS YEAR 1968 EMPHASIZES HUMAN RIGHTS ARE MATTERS OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, a report prepared by the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968 has just now been published. This committee of distinguished lawyers was appointed by President Johnson and headed by former Supreme Court Justice Tom Clark. A full list of its distinguished membership is attached. This report is entitled ,"A Report in Support of the Treatymaking Power of the United States in Human Rights Matters." It was the general conclusion of this report that after a "thorough review of judicial, congressional, and diplomatic precedents, that human rights are matters of international concern; and that the President, with the U.S. Senate concurring, may, on behalf of the United States, under the treaty power of the Constitution, ratify or adhere to any international human rights convention that does not contravene a specific constitutional prohibition." I have already substantiated in previous statements that these conventions do not contravene constitutional prohibitions. Mr. President, in later statements, I intend to detail point by point specific recommendations and observances of this committee. At this time, I ask unanimous consent that the forwarding letter by the Chairman, Justice Tom C. Clark, be inserted in the RECORD at this point, followed by the list I previously referred to.

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

AUGUST 20, 1969.

Hon. W. AVERELL HARRIMAN,
*Chairman, the President's Commission for the Observance of Human Rights Year 1968, Washington, D.C.*

DEAR MR. CHAIRMAN: I have the honor to submit the report of the Special Committee of Lawyers on the treaty-making power of the United States in Human Rights Matters.

As you noted in your letter transmitting the final report of the Commission to President Nixon:

"The whole of government must recognize its commitment to human rights and thereby seek to articulate its policies and programs in human rights terms. A touchstone of our commitment will be the ratification of additional human rights conventions through action by the Administration and the Senate."

The United States, in successive Administrations of both political parties, has taken the lead in working for a world in which human rights are the birthright of all. Nevertheless we have ratified only two of the more than a score of human rights conventions. Distinguished members of the legal profession have raised thoughtful questions relating to the constitutional competence of the United States to bind itself internationally on human rights, and the Special Committee of Lawyers has addressed itself to this question.

Our formal conclusions may be found at the beginning of our report. I would like to reiterate here, however, our finding, after a thorough review of judicial, Congressional and diplomatic precedents, that human rights are matters of international concern; and that the President, with the United States Senate concurring, may, on behalf of the United States, under the treaty power of the Constitution, ratify or adhere to any international human rights convention that does not contravene a specific Constitutional prohibition. The Special Committee of Lawyers would further commend the examination of proposed human rights conventions to their colleagues in the legal profession as a matter of high priority.

Respectfully yours,

TOM C. CLARK,
*Chairman, Special Committee of Lawyers.*

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Hon. John Minor Wisdom, U.S. Circuit Judge, U.S. Court of Appeals.

Mr. PROXMIRE. Mr. President, I hope the series of speeches that I have given now for 2 years will begin to bear fruit and that the Committee on Foreign Relations will report these human rights conventions to the Senate, and that the Senate will act. It has been the only obstacle standing in the way of their ratification. The President has supported them. It is only the Senate that has stood in the way of their ratification.

## ORDER OF BUSINESS

Mr. MOSS. Mr. President, I ask unanimous consent that I may proceed for not to exceed 12 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Utah is recognized for not to exceed 12 minutes.

## THE ONLY WAY OUT OF VIETNAM

Mr. MOSS. Mr. President, I have concluded that the present combination of peace talks in Paris, Vietnamization of the battlefield, and cautious U.S. troop withdrawals is not working.

It is not working because the North Vietnamese and Vietcong will never accept a cease-fire or free elections as long as the present Saigon government remains in power.

It is not working because the Government of South Vietnam is corrupt and repressive, and, unless it broadens its base, it will never gain the support of its people.

It is not working because the Government of South Vietnam will refuse to broaden its base as long as our troops are protecting it.

It is not working because Vietnamization really means trying to achieve a military solution by proxy.

It is not working because at this rate it will be years and maybe never before South Vietnam can completely take over the fighting.

It is not working because no matter how "unified" our country becomes, the

[1] Secretary of State William P. Rogers terminated his active participation in the work of the Committee after he was designated Secretary of State by President-elect Nixon, December 12, 1968.

[2] Mr. Stevenson assumed his duties as Legal Adviser to the Department of State on July 14, 1969.

Communists can outlast us in a waiting game and they know it.

But most important, it is not working because a year from now an end to the war still will not be visible. A year with more GI casualties and still no end.

I recommend, therefore, that the United States must cease all offensive military action in Vietnam at once and proceed to withdraw all combat forces as swiftly as can be done without endangering American lives. Our combat forces should fire only in self-defense.

The Government of South Vietnam should be notified that we will continue to aid it with materiel and civilian advice and skills, but that we will no longer participate in any offensive military action. If the Government of South Vietnam does not have broad enough civilian support or military strength to govern, then it must give way. We will protect American lives, but no longer will we seek to kill Vietnamese.

This conviction on my part has come only after the agony of long soulsearching and conscience wrestling. I now believe this is the only way to end the bloodshed of American boys in Vietnam. We have tried other courses without success. Now we must acknowledge our inability to control the battle, to prop up governments, and to dictate the course of events in Southeast Asia. We have not been defeated. We, of course, could stay in Vietnam forever. We could never be driven out. But it would be futile. As a great nation we must face reality.

It is my belief that we became involved in Vietnam for the highest of motives. Our thinking was conditioned largely by events in Korea, where we intervened to halt aggression by a militant neighbor. Painful and costly as it was, we succeeded in Korea and today South Korea prospers and is free. But in Vietnam we tried to stem invasion without success, and we found antigovernment forces everywhere throughout the countryside. And no government has emerged in South Vietnam to command allegiance as did Syngman Rhee in South Korea. The domestic rebellion against the government of South Vietnam has intermingled with invasion from the North to produce a wholly unstable and unmanageable condition in South Vietnam. We have tried to help stabilize this unhappy country and have poured in our blood and treasure without stint. Today we are no closer to our goal of a peaceful and free South Vietnam than we were in 1965. At this point we must be honest with ourselves and with the South Vietnamese. We must halt our participation in the war. South Vietnam must chart its own course, without our troops. We should continue to assist economically and should indicate our willingness to assist in the relocation of persons whose lives might be endangered after our troops have left.

In the beginning, I, like the great majority of Americans, felt that our action in aiding South Vietnam with military advisers, and later with combat troops, was right and would succeed. The optimistic reports of the military through 1965 and 1966 kept this feeling alive.

By 1967 my doubts had set in and in January of 1968 I visited South Vietnam where I was caught in the Tet offensive. Under that severe combat situation, I tended to feel primarily the urgency of staying alive, and I returned still unwilling to abandon our military effort. Throughout 1968 and 1969, I have continued to seek information and informed opinion as my apprehension mounted and my conviction solidified. I applauded President Nixon's announced withdrawal of troops and felt concern only when he qualified his action to a small fraction of our combat forces and reiterated U.S. policy to force the Vietcong and the North Vietnamese to a negotiated settlement. It is my judgment that never will we get a satisfactory settlement—or even any settlement. The Vietcong will never agree. President Nixon should know this. Our only course is to withdraw under conditions of maximum safety for our military personnel. Every day's delay now brings more casualties and mounting dissent. We must disengage at once.

Mr. McGOVERN. Mr. President, will the Senator yield to me?

Mr. MOSS. I am happy to yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I want to take just a moment to commend the Senator from Utah for what I believe to be a most honest, frank, and unequivocal statement of the dilemma that now faces us in Vietnam and the only practical course that is now left to us, which is to disengage from that conflict.

The Senator has very properly pointed out that we have been allied for many years with a political regime in South Vietnam that refuses to take the steps that would give it the confidence and support of its own people. This is not to say anything derogatory about the bravery or the sacrifice of those troops that have fallen in battle, either among the South Vietnamese forces or among our own young men who have fought over there under terribly difficult circumstances for a long period of time. But it is to say that the central lesson of our experience in Vietnam is that we cannot save a political regime abroad that does not have the respect of its own people; that is so corrupt and so oppressive that it is unable to inspire its own people to fight for it.

I do not know how we explain to the parents of young Americans who have fallen over there, supposedly in defense of freedom, that the present regime in Saigon has stayed in power by jailing its critics, non-Communists and Communists alike. There are an estimated 20,000 political prisoners held in the jails of Saigon, including the runnerup contender for the presidency in the election held in South Vietnam.

He said what the Senator from Utah is saying today. He is in jail for 5 years because of it. American troops are still there, being asked to sacrifice their lives and to accept that kind of regime. It will not work. There is no evidence that 1 year, 2 years, or 5 years from now we will be in any better position than we are today.

The Senator from Utah is correct in saying that the withdrawal process is not painless. It is not a sure thing. It is not risk free. Neither is there any evidence that we will be one bit better off many months, many casualties, and many deaths from now.

Mr. President, I ask unanimous consent, with the permission of the Senator from Utah, to have printed at the end of my remarks a statement published in yesterday's Washington Post. The article bears the signatures of six experts of the Rand Corp. As the Senator from Utah knows, this is a group that the Pentagon relies on heavily for military judgment. These six men have come to the conclusion, as the Senator from Utah is aware, that there is no other practical course ahead of us now than to remove our troops. They draw attention, as he has done, to the conflict of interest that exists between the government in Saigon and our own national interest.

I shall read a couple of sentences:

The primary interest of the present Saigon leadership is to perpetuate its status and power, and that interest is served not by seeking an end to hostilities through negotiations but only by continuing the war with U.S. support. Their interest—

Meaning the interests of Saigon—

Is thus directly opposed to ours.

I shall read the final paragraph:

We do not predict that only good consequences will follow for Southeast Asia or South Vietnam (or even the United States) from our withdrawal. 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.

So I congratulate the Senator from Utah for his realism, his honesty, and his dealing so squarely with the position that Americans are going to be underscoring on Wednesday of this week, namely, that the time has come for us to take this terrible burden off our backs and put our own national interests first, the interests of the people of this country first, and to free ourselves from a political regime in Saigon whose interests are increasingly divergent from our own.

Mr. MOSS. I thank the Senator from South Dakota.

Mr. President, I ask unanimous consent that the letter from which the Senator from South Dakota has read be printed in the RECORD.

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

[From the Washington Post, Oct. 12, 1969]

A CASE AGAINST STAYING IN VIETNAM

Now that the American people are once again debating the issue of Vietnam, we desire to contribute to that discussion by presenting our own views, which reflect both personal judgments and years of professional research on the Vietnam war related matters. We are expressing here our views as individuals, not speaking for the Rand Corporation, of which we are staff members; there is a considerable diversity of opinion on this subject, as on other issues, among our Rand colleagues.

We believe that the United States should decide now to end its participation in the Vietnam war, completing the total withdrawal of our forces within one year at the most. Such U.S. 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.

It is our view that, apart from persuasive

moral arguments that could lead to the same conclusion, there are four objections to continued U.S. efforts in the war:

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.

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, who capacity to survive on its own must finally be tested, regardless of the outcome.

3. The importance to the U.S. national interest of the future political complexion of South Vietnam has been greatly exaggerated, as has the negative international impact of a unilateral U.S. military withdrawal.

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.

The opponent's morale, leadership, and performance all evidence his continuing resiliency, determination, and effectiveness, even under extremely adverse conditions (in no small part because of his conviction that he fights for a just and vital cause). Estimates that the opponent's will or capacity (in North or South Vietnam) is critically weakening because of internal strains and military pressures are, in our view, erroneous. Even if a new strategy should produce military successes in Vietnam, substantially reduce U.S. costs, and dampen domestic opposition, Hanoi could not be induced to make any concessions (e.g., cease-fire or mutual withdrawals, so long as they 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.

Our participation in the war will also be unjustifiably prolonged if we tie total withdrawals to basic changes in the policies and character of the South Vietnamese government. The primary interest of the present Saigon leadership is to perpetuate its status and power, and that interest is served not by seeking an end to hostilities through negotiations but only by continuing the war with U.S. support. Their interest is thus directly opposed to ours. For the same reason, the present Saigon government is not likely to seek the long-awaited improvements and "broadening" of its base. The United States should not obstruct favorable political change in Saigon by unconditional support of the present regime. Yet, we believe, the United States should in no way compromise or postpone the goal of total withdrawal by active American involvement in Vietnamese politics. Such interventions in the past have only increased our sense of responsibility for an outcome we cannot control.

Our withdrawal might itself produce the kinds of desirable political changes in Saigon that the U.S. presence seems to have inhibited, including the emergence of a cohesive nationalist consensus; and it might give better focus to our alliance relationships elsewhere in the world by bringing our Vietnam policy into line with the President's declaration in Guam on the limits of our partnerships.

As for global U.S. interests, the original rationale for a large scale U.S. military effort in Vietnam—the prevention of proxy victories by the USSR or Communist China—has long since been discredited. 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. We do not predict that only good consequences will follow for Southeast Asia or South Vietnam (or even the United States) from our withdrawal. 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.

DANIEL ELLSBERG,
MELVIN GURTOV,
OLEG HOEFFDING,
ARNOLD L. HORELICK,
KONRAD KELLEN,
PAUL F. LANGER,
SANTA MONICA, CALIF.

Mr. MOSS. Mr. President, I thank the Senator from South Dakota for his observations. He has long been a leader in the endeavor to have the United States disengage itself from Vietnam. I have followed carefully his speeches on the subject. In part, they are what has brought me to my final conclusion.

Mr. President, several Senators have asked me to yield to them, so I ask unanimous consent that we may continue for 10 minutes more.

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

Mr. MOSS. Mr. President, I yield to the distinguished Senator from Texas.

Mr. YARBOROUGH. Mr. President, I congratulate the distinguished Senator from Utah for his statement and the position he has taken. I agree with him. I have not had to change my views, because I have never made a speech in support of our policy in Vietnam in all the years that it has been followed. I have thought it was wrong from the beginning. I think it is wrong now.

We helped to pressure the British out of India. We helped to pressure the Netherlands out of Indonesia. But when it came to Vietnam, we reversed our policy. We have been utterly inconsistent. We pressured the French to stay in Vietnam, and we continued to fight even after their defeat at Dienbienphu. Then we gradually interjected our forces into Vietnam under the guise of sending advisers to the military forces of South Vietnam.

Why we should have attempted to retain a colonial power in South Vietnam when we had helped to get the Dutch out of Indonesia and the British out of India is a mystery to me; it simply does not make sense. Furthermore, it is utterly incompatible with our policy in other areas of Asia.

We have apparently attempted to take the place of the French in South Vietnam. Of course, we did not state this as our purpose, but that is what has happened. The people of Vietnam historically have fought long and desperately against foreign powers. They fought the Japanese and the French. Many military leaders have stated that they did not see how the Vietnamese could fight these wars. They have had to use women and children to fight them. This shows their desire to be relieved of a foreign invader. I think that should have some impact on our conscience as a people when we continue a war after women and children have fought and died to prevent a foreign power from occupying their country.

I think the statement of the Senator from Utah is correct. I agree with the position he has taken. I commend him for the long and careful study that brought him to this conclusion. It has strengthened my own opinions of this matter. I think his statement will be of great benefit to all the American people.

Mr. MOSS. I thank the Senator from Texas for his comments.

I am happy to yield to the distinguished Senator from Kansas.

Mr. DOLE. I do not wish to quarrel with the Senator's conclusion. We all have a right to reach our own conclusions. The Senator suggests it has been difficult for him to reach this conclusion; that he has reached it only in the last few days or weeks.

I wonder what the Senator believes our position should be in Southeast Asia. Should we become a second-rate power? Should we dismiss the 40,000 young men who have lost their lives in Vietnam?

I remind the Senator from Utah that that is not compatible with the history of our great country. I understand that George Washington had a few problems in the early days of this country. I understand that there were censorship and political prisoners in America as recently as World War II.

I think that many of us who make judgments about corruption in South Vietnam or other problems in South Vietnam may not have sufficient information. I certainly do not have the information to say on the Senate floor or anywhere else that the Government of South Vietnam is corrupt, that it does not represent the people. But I have spoken with persons who have been there and who indicate that there is a change in South Vietnam, that there is respect for the government, that reforms are taking place.

I would only say to the Senator from Utah that there is a difference in the war today compared with conditions a year ago. There is a new direction in the war compared with a year ago. There is a strategy for peace in Vietnam.

Maybe the withdrawal of 20 percent of our combat troops is insignificant to some persons, but I think it is significant. President Nixon has not escalated the war; he has done everything he could to deescalate the war.

I hope that by his statement the Senator from Utah did not intend to be critical of President Nixon's statement, because on page 3, the President indicates that he is having the same struggle that the Senator had in reaching a very difficult conclusion.

I would only say, on behalf of the President, that the demonstration on Wednesday is not needed for his benefit. He wants peace as earnestly as President Kennedy wanted peace and President Johnson wanted peace.

I hope that on Wednesday we might demonstrate against our enemy, the North Vietnamese, and see if we can get some response from the enemy.

I would hope that the Senator from Utah might join in sponsoring the resolution I introduced along with 34 other

Senators this morning to call upon the North Vietnamese, the National Liberation Front, to make some affirmative response toward the settlement of this war without further conflict and bloodshed.

Mr. MOSS. Mr. President, I appreciate the comment of the Senator from Kansas. Certainly, I wish I could feel there would be response from Hanoi to any resolution agreed upon by the Senate or issued by our Government.

But as I recall, we have been calling upon Hanoi to negotiate now for about 4 or 5 years. In fact, the whole thrust of the Paris peace talks is to obtain response from the North Vietnamese and the Vietcong who are also at the table. We have not been able to obtain any progress and I do not think we ever will.

Mr. DOLE. Mr. President, if the Senator from Utah were from North Vietnam and represented Hanoi at a time when 20 or 30 U.S. Senators were saying, "Do not do anything. We will get out anyway," what response would he make?

Mr. MOSS. I do not know what response I would make. But as I said in my statement, I do not think the enemy will ever negotiate, no matter how unified we are. They have been fighting for their objective for over 20 years. We can never outlast them in a waiting game.

I would also consider it from the point of view of the American troops who are there now and the American citizens at home. How long must they wait for a negotiated settlement?

The Senator from South Dakota asked what we would say to the 40,000 men who have already lost their lives. I say that we should feel humble and grateful to them. However, certainly we will not redeem the situation in any way by losing an additional 40,000 men. We cannot bring back these 40,000 lives tragically lost, but we can save the lives of those half million men still in Vietnam.

The Senator from Kansas asked me if I meant my statement to be critical of President Nixon. I pointed out in my statement that I applaud the President for the steps he has taken to withdraw some of our combat personnel from Vietnam. But I want the rate of withdrawal greatly increased.

I would like to see an immediate cessation of all offensive operations and a concentration only on withdrawing our troops as rapidly as possible without endangering American lives.

It is the only reasonable course we can follow, as I tried to point out. I had hoped, along with most other citizens that we could succeed in our objectives to stabilize Vietnam. I had hoped that a broad-based position could be established in South Vietnam so that we could then withdraw.

But it has not worked. It is a colossal failure. We will lose more and more American lives and spend more and more American money the longer we stay there. And still we will be no closer to our objectives.

Mr. DOLE. Mr. President, I share the view of the Senator from Utah—and every other American does—that we should end the fighting in Vietnam as quickly as we can.

I am afraid, however, that an impression of panic may have been created in America because of the many statements that have been made on the Senate floor. If I were an enemy in the Government of Hanoi and knew that someone here would rise and defend Hanoi and uphold the role of Hanoi in Vietnam, I would want to wait, thinking that sooner or later enough public opinion would be aroused that the United States would have to withdraw.

I know that the Senator feels as I do about the men who have lost their lives. I know something about war and about the tragedies of war. I point out on behalf of President Nixon that he does have a strategy for peace. In all fairness, we cannot expect him to end in 8 months what someone else could not end in 4 or 5 years.

The President wants peace as strongly as does the Senator from Utah, President Kennedy, President Johnson, or anyone else.

I recognize that no brownie points are to be gained from talking about slowing down the withdrawal. However, in the long run, talking about Southeast Asia and our role there, if we do as the Senator advocates and come home, how many more men will we lose in future years in some other conflict?

I do not know. Perhaps the Senator from Utah is right. However, speaking for those 40,000 who have lost their lives, we owe a great deal of gratitude to them.

Mr. MOSS. I thank the Senator. But I must disagree with the Senator. The American people have not panicked. In growing numbers they simply see the futility of our present course. And they are not too proud to change that course.

I do not think it is a partisan matter. I think it rises far above partisanship. I intend to support the President in achieving peace. It does no good to search for scapegoats. There is blame enough for all of us. What we need is a way out.

I have pointed out what I think we should do now to disengage. I hope the President will listen.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. YOUNG of Ohio. Mr. President, I thank the Senator for yielding to me.

I congratulate the distinguished Senator from Utah on his address and the position he has taken regarding our involvement in an ugly civil war in South Vietnam.

The question has been asked concerning what our role should be in Southeast Asia. The United States does not have a mandate from Almighty God to police the entire world. I speak with firsthand knowledge of Vietnam. I was in South Vietnam in October of 1965 for nearly a month. Last year I spent nearly a month in South Vietnam and in Laos. I have been in every area of South Vietnam.

I know that the Saigon militarist regime of Ky and Thieu is not representative of the people of South Vietnam. I know that we are involved in an ugly, undeclared, and immoral war in South Vietnam.

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

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the Senator from Utah have an additional 5 minutes.

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

Mr. YOUNG of Ohio. Mr. President, it is not only my judgment that we are involved in a civil war, but I can also voice statements made to me by our generals in South Vietnam and in Thailand when I was there, substantiating that fact.

General Westmoreland informed me that the bulk of the Vietcong fighting us were born and reared in South Vietnam. Gen. Richard Stilwell, then General Westmoreland's chief deputy, informed me that 80 percent of the Vietcongs fighting us in the Mekong Delta were born and reared in the Mekong Delta, which is south of Saigon. I told him, "Well, we are involved in a civil war." He did not like that. He answered, "Well, it could be termed an insurrection."

The fact is that it is well known in South Vietnam that the militaristic rule of Saigon is not representative of the majority of the people in South Vietnam. It represents 20 percent of the people at most. I know the Senator from Utah is aware that both General Thieu and Air Marshal Ky were born and reared in North Vietnam.

There is no truth in the assertion that our enemy is North Vietnam. The head of the National Liberation Front of South Vietnam is a Saigon lawyer. He is not a Communist.

The fact is that Americans have been sent there by ship and plane. American troops in South Vietnam should be returned home this year in the same manner in which they were sent there—by ship and plane.

Until all our forces can be returned home, we should very wisely follow the advice of Generals Gavin and Ridgway to the effect that we should withdraw our remaining forces there to our coastal enclaves where they would have the umbrella of our airpower and the protection of the 7th Fleet.

Many more than 46,000 Americans have already lost their lives in Vietnam. In addition, 8,000 Americans have been killed in South Vietnam from what the Pentagon terms as accidents and injuries. We never had that credibility gap, so-called, in World War II, as the Senator from Utah knows from his service.

Also, approximately 500,000 civilians—women, children, and old men—have been killed or maimed for life by our bombing and artillery fire. In hospitals in Vietnam I saw pitiful little children, burned and maimed.

I am one who will be very glad to demonstrate next Wednesday for peace. I will be glad to join in that demonstration against our involvement in the longest war ever waged by our Republic, the most unpopular war ever waged, an undeclared war at that, and the bloodiest foreign war, costing the most lives—priceless lives of American youngsters—in a little faraway country which is of no importance whatsoever to the defense of the United States.

I do not have any secret plan to end

the war in Vietnam. However, a good plan, an excellent plan, would to bring our forces home just as soon as possible.

Here we are trying to maintain in power a corrupt regime, as the Senator has stated. It is well known that Vice President Ky has an unlisted account in Hong Kong and another one in Switzerland. We know from the public press that Madame Thieu, the wife of the President of the Saigon regime, recently bought an expensive villa in Switzerland.

Let us withdraw. Let us get out of this war the same way we got in—by ships and planes. The Saigon regime was originally put in power because they refused to permit neutralists and many Buddhists and others to vote. If the soldiers in the ARVN forces, the so-called friendly forces—I say too friendly to fight, when we examine the statistics and see that week after week more Americans have been killed and wounded in combat there than these so-called friendly forces—cannot then maintain the Saigon government, we had better leave at least one plane to take Ky and Thieu out of the country to rendezvous with their bank accounts and to join Madame Thieu in her lavish villa. But we should get out, just as the Senator has said.

I again compliment the Senator from Utah upon the fine statement he has made today.

Mr. MOSS. I thank the Senator.

I yield to the Senator from New York.

Mr. KENNEDY. Mr. President, will the Senator withhold for a brief moment?

VISIT TO THE SENATE BY THE MINISTER OF FINANCE OF THE FEDERAL REPUBLIC OF GERMANY

I do not want to interrupt the dialog which is taking place, but we have a distinguished visitor from the Federal Republic of Germany, the Minister of Finance, Mr. Strauss, who is in the Chamber, and he is on an extremely tight schedule. If it is convenient, I wonder whether the distinguished Senator from Utah would be kind enough to indulge a short recess, without losing his right to the floor when the Senate reconvenes. It would be appreciated by the leadership. It is only intended to have a 4-minute recess, which would provide an opportunity for the Members of the Senate to extend greetings to this very distinguished visitor to our country.

Mr. JAVITS. The Senator from Utah had yielded to me. May I just finish? I know Franz Joseph Strauss, and I am delighted to welcome him.

Mr. MOSS. I yield.

Mr. JAVITS. I shall address myself to this subject tomorrow with the Senator from Rhode Island (Mr. PELL).

Is it not a fact that what the Senator from Kansas (Mr. DOLE) has done today—and with the very impressive list of cosponsors—is to pose the issue: Either you are going to pursue a strategy of trying to euchre, pressure, influence the North Vietnamese to make peace in Paris, or you are going to pursue a unilateral strategy, wherever it may hit, whatever it may hit, whomever it may influence; but you are going to turn the combat responsibility over to the South Vietnamese in a reasonable time, ready or not; and this is the real issue before the Senate of the United States.

Mr. MOSS. As I understand it, the resolution of the Senator from Kansas is another plea to the North Vietnamese and the Vietcong to negotiate. But my response to Senator DOLE was that we have been pleading, pressing, and pushing for years. Every avenue I know of has been tried to get this kind of negotiation. We have tried bombing them to the negotiating table. That did not work. Now we are trying negotiation. But I think that is an absolute stalemate. The enemy will never negotiate, and I do not think we can force him to, no matter what resolutions we pass, no matter how we wait. Therefore, I suggest my action—a unilateral strategy as the Senator from New York puts it.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate stand in recess for 4 minutes in order that Senators may greet our distinguished visitor, and that I be granted the floor when the Senate reconvenes.

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

RECESS

Thereupon, (at 2 o'clock and 6 minutes p.m.) the Senate took a recess until 2:10 p.m.

[Applause, Senators rising.]

During the recess, Minister of Finance Franz Josef Strauss was greeted by Members of the Senate.

On the expiration of the recess, the Senate reassembled and was called to order by the Senator from Hawaii (Mr. INOUYE).

The PRESIDING OFFICER. (Mr. INOUYE in the chair). The Chair recognizes the Senator from Utah.

Mr. THURMOND. Mr. President, will the Senator yield for one-half minute?

Mr. MOSS. I yield to the Senator.

Mr. THURMOND. Mr. President, yesterday, Sunday, October 12, 1969, Dr. Strauss, the distinguished Minister of Finance of the Federal Republic of Germany, delivered the dedication address in Columbia, S.C., at a new coliseum at the University of South Carolina. On that occasion he made a deep and lasting impression on the people of my State.

Mr. President, I ask unanimous consent that the address by Dr. Strauss be printed in the RECORD.

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

ECONOMIC, SCIENTIFIC, TECHNOLOGICAL AND POLITICAL PARTNERSHIP BETWEEN THE UNITED STATES OF AMERICA AND EUROPE

(By the Chairman of the Christian Social Union and Federal Minister of Finance, Dr. H. C. Franz Josef Strauss)

For many years, we have witnessed promising beginnings of a partnership between the United States and Europe in a number of fields: economic, scientific, technological and political. But unfortunately, although we should have known better, we have not been able to establish a genuine and full partnership between the United States and Europe. The reason is that such a partnership requires more than mere cooperation in settling and overcoming mutual difficulties. The idea of an "Atlantic partnership" which once gave rise to high hopes of new forms of progress on both sides of the Atlantic has disappeared in the welter of day-to-day political routine. This is all the more deplorable as such a wider partnership between America and Europe—which would turn the North Atlantic Ocean into an inland sea—would enable us to tackle effectively the great problems of our century. But such a "transatlantic community" presupposes the existence of partners and Europe today is not a partner.

For a time, the world was fascinated by the European experiment. The rapid emergence of the Common Market seemed to raise the curtain on an early sweeping integration of Western Europe which would then be able to speak with one voice. In the meantime, however, it has become evident that a dialogue between the United States and Europe has remained an illusion, even where fields are concerned which have become community matters under the Treaty of Rome. Realization of the United States of Europe has been bogged down in a community narrowly confined to economic objectives and strictly limited to its original members. The conviction that close economic cooperation could not fail to lead to political integration has been demolished. The history of the United States itself shows that political union can overcome economic rivalries more easily than economic union can overcome conflicting political interests.

To enable a dialogue to begin between the United States and Europe the O.E.E.C. was established in 1948. Its task was to coordinate European reconstruction which was financed from Marshall Plan funds. O.E.E.C., however, was not a genuine European partner of the United States, because the relationship between you and us, between the United States and Europe, was in fact a rather one-sided relationship between donor and donee. But in a real partnership there must be give and take. And this presupposes partners of more or less equal size and strength—or at least the possibility of the two being complementary to each other. A giant and a dwarf generally make bad, or even ridiculous, partners, much as the well-known duet of Pat and Patachon.

O.E.E.C. was succeeded by O.E.C.D. and the latter, with its large number of committees and working parties and its broader membership including the United States, Canada and Japan in addition to the old O.E.E.C. members, has grown into a predominantly multilateral institution, drowning the transatlantic dialogue. Neither of these bodies could furnish the organizational basis for responsible American-European initiatives.

Smiliar considerations apply to other international institutions such as GATT, the Bretton Woods institutions, the United Nations development assistance organizations where North America and Western Europe cooperate on a broader basis. Here, the emphasis is on the mutual coordination of national policies and—in certain conditions—on jointly agreed procedures in dealings with third parties.

In some sectors, cooperation on national and supernational levels is well-tried so that a partnership between Europe and the United States might evolve as European integration progresses.

1. TRADE BETWEEN THE UNITED STATES AND THE FEDERAL REPUBLIC OF GERMANY

Trade relations between two countries are reflected in their balances of payments. Up to 1967, the balance between the Federal Republic of Germany and the United States was characterized by large German deficits.

1968 was the first year in which a German surplus was achieved owing to a very large increase in our exports. While the balance on current account between the United States and Germany was just about in equilibrium

in 1967, it showed a German surplus of DM 3,500 million in 1968.

In recent years, the United States has been the largest supplier to Germany and the second largest buyer of German goods. In 1968, 13.5 percent of total German imports came from the United States and 10.7 percent of all German exports went to the United States.

The exchange of goods between Germany and the United States, in DM million, was in 1965 imports 9,195.9 exports 5,740.6 with a deficit of 3,445.3 was in 1966 imports 9,177.4 exports 7,177.7 with a deficit of 1,999.7 was in 1967 imports 8,555.6 exports 7,859.1 with a deficit of 696.5 was in 1968 imports 8,849.6 exports 10,833.3 with a surplus of 1,983.8.

The pattern of German external trade was temporarily influenced by the Law Concerning Measures to Protect the Economy from Adverse Effects of External Trade and Payments (taxation of experts and a tax relief for imports). As a result, exports scheduled for 1969 were for a large part already effected in November and December 1968 so as to bypass taxation. In the first quarter of 1969, exports dropped considerably, but then a recovery set in and exports rose again substantially. As far as imports are concerned, they at first slowed down somewhat in the last quarter of 1968, but in the course of 1969 there was a marked increase in imports from the United States.

2. TRADE BETWEEN THE UNITED STATES AND WESTERN EUROPE

Trade between the United States and Western Europe is on the increase. Whereas the increase in United States exports to Europe has in the past years been absorbed by EEC and EFTA in equal proportions, the increase in United States imports has largely come from EEC countries which goes to show their greater economic efficiency.

The pattern of United States trade with Europe, in U.S. $ million. Was in 1966 imports 620.30 of which—from EEC, 341.51; from EFTA, 244.74; exports, 753.02. Of which to EEC, 438.70; to EFTA, 234.95.

In 1967 imports, 651.60. Of which from EEC, 370.04; from EFTA, 240.71. Exports, 816.11. Of which to EEC, 465.15; to EFTA, 264.51.

In 1968 imports, 819.10. Of which from EEC, 487.40; from EFTA, 283.97; exports, 884.17. Of which to EEC, 499.51; to EFTA, 297.84.

Both imports from, and exports to, Europe accounted for approximately 30 percent of total United States imports and exports.

3. NUCLEAR RESEARCH

In the field of reactor development, industrial cooperation has evolved in the form of a general exchange of know-how between Siemens and Westinghouse as well as between AEG and General Electric. In addition, Siemens has recently acquired North American Rockwell's one-third participation in INTERATOM; in exchange, North American Rockwell is said to have received a certain amount of Siemens shares.

There is a licence agreement between Gulf General Atomic and Gutehoffnungshutte under which the latter can utilize the results of Gulf's research work in building reactors in Germany.

Attempts are made to secure cooperation with the United States in developing an Incore Thermionic Reactor (for supplying spacecraft and launchers with power from a reactor). Germany may be in a position to develop a terrestrial prototype of such a reactor, but it cannot test it in space for lack of the necessary launchers.

4. SPACE RESEARCH

There are three agreements on bilateral cooperation in this field: (a) the research programme agreed upon with the National Aeronautics and Space Administration on 17 July 1965 for developing and launching a satellite for measuring the energy spectrum and the flux of electrons and protons in the inner Van Allen belt (Satellite project Azur); (b) a Memorandum of Understanding with the National Aeronautics and Space Administration on developing and launching a satellite for probing phenomena in the upper atmosphere (ionosphere and exosphere), aeronomy satellite; (c) a Memorandum of Understanding with the National Aeronautics and Space Administration on developing and launching a solar probe for studying the solar plasma and interplanetary matter.

In all three cases, the United States make available the necessary launching rockets.

The joint projects just mentioned also comprise an extensive NASA training programme for German engineers.

5. DATA PROCESSING AND MARINE RESEARCH

Germany is at present substantially extending its research activities in these fields and some form of useful cooperation may be expected to evolve sooner or later.

6. ARMS INDUSTRY AND TECHNOLOGY

The origins of cooperation between our two countries in this field date back to the German-American Agreement on the Purchase of Military Equipment by the Federal Republic of Germany in the United States under which the United States agreed to furnish the initial equipment of the newly established Federal German armed forces. In subsequent years, Germany has again and again effected large-scale arms purchases in the United States. These purchases play an important part in the offset arrangements between our two countries. The fact that German firms were charged with maintaining and repairing the arms supplied, and produced equipment under United States licences, has resulted in close cooperation between the arms industries of our two countries. A recent example is the licensed production of the Bell UH–1 D and CH 53 helicopters in Germany. Cooperation which may properly be called American-European has evolved in the case of larger weapon systems which require standardization on the basis of NATO criteria, e.g., the licensed production of the F 104 Starfighter and of the air-defence missile system Hawk as well as the installation of the NADGE system.

As not all German arms requirements could be satisfied by American supplies, a limited German arms industry had to be created. It has since designed and produced the "Leopard", a modern battle tank for which interest has been shown also abroad. The experience thus gained enables us to contribute on an equal footing to the joint American-German project of a Main Battle Tank (MBT or Kpz 70).

Necessarily, international partnership in arms production, as in other fields, demands that both sides should have something to offer. But as yet American-European, and particularly American-German, arms trade has been a "one-way" affair. While Germany purchased and still purchases many thousand millions dollars worth of arms in the United States, German arms exports to the United States have so far been more or less limited to a few 20 mm guns manufactured by Rheinmetall.

One of the reasons for this is that it is not Germany's ambition to build an arms industry which could compete with anything like yours. In the interest of offset, we shall continue to buy as many as possible of the arms we need in the United States. "As many as possible" means, of course, as far as the equipment offered meets our special requirements and as far as the price is within our means.

Moreover, it is only in a limited number of fields of arms technology that a small country like Germany can reach a level permitting it to cooperate with your great country as an equal partner. We have, for instance, been able to gain some experience in vertical/short takeoff and landing (V/STOL) aircraft technology which we are now contributing to a joint American-German V/STOL aircraft technology programme. In addition, the National Aeronautics and Space Administration is interested in the technological concept embodied in the German V/STOL transporter Do 31, and is studying whether and to what extent V/STOL aircraft can be used for civilian feeder lines.

But real partnership with your country in the field of arms technology will not materialize until the small German arms industry has been integrated with that of other European countries so that yours will have one opposite number. Dealing with a bigger partner will certainly be more profitable for you. If the European arms industries—for the benefit of our Alliance—are to contribute to the technological superiority of the free west, they will have to start by establishing closer cooperation among themselves.

An important step in this direction is the agreement between the Federal Republic of Germany, the United Kingdom and Italy on the joint development and production of a Multirole Combat Aircraft (MRCA). It is regrettable that France did not find it possible to join. The MRCA programme opens up new possibilities for a genuine partnership between Europe and America in the field of arms technology. For an American contribution will be of great importance. In particular, I have in mind how far your industry is ahead in the field of electronics which is becoming increasingly important in modern high-performance aircraft.

But even a European arms industry will neither be in a position nor wish to compete with the arms industry of a world power like the United States. Rather, its role would be that of supplementing and strengthening the potential of the American arms industry in the interest of our western defensive alliance.

7. DIRECT GERMAN INVESTMENT IN THE UNITED STATES

Direct German investment in the United States is grossly inadequate as a basis of a useful and sound partnership between our two countries. In 1968, it accounted for 8 percent of the total volume of German investment abroad. The share of German investment in total direct foreign investment in the United States was 3.2 percent (or DM 318 million). This is a poor show compared with American investment in the Federal Republic of Germany which amounted to $3,077 million in 1966 and to $3,487 million in 1967.

Between 1 September 1961 and 30 June 1968, the United States invested DM 7,500 million in Germany. New investment by German business in the years 1964–1968 on the other hand, amounted to DM 844 million.

The reasons for this relative inactivity on the part of German business abroad are twofold:

(a) it is undercapitalized;

(b) it twice lost its capital invested abroad.

It is evident that German external trade and payments relations are based on an expanded exchange of goods rather than on capital transactions. The reverse is true in the case of other large industrialized nations. Admittedly in recent years, when the Federal Republic achieved large balance of trade surpluses, German external accounts were to a great extent balanced by capital exports, particularly in the form of portfolio investment. This way of balancing a country's external accounts by lendings may be justified in the case of a temporary imbalance, but in the case of structural trade surpluses capital exports in the form of direct private investment should have preference. In fact, it is closer financial interrelation between countries which is the basis of genuine partnership, that is, of a mutual ex-

change of technological and organizational information. Direct investment furthers the integration of national economies and favours the international division of labor; the resulting growth benefits all concerned. That is why the 1969 Tax Adjustment Law encouraged German investment abroad by fiscal measures. They might be supplemented by credit policy measures which are under discussion at present; the problem here is to avoid the devil of interventionist controls and the deep sea of massive subsidies.

8. THE ATLANTIC ALLIANCE

It is indispensable for the preservation and defense of the freedom of the West that we Europeans should in future bear our fair share in the Alliance which is commensurate with our strength and our economic resources. The conviction that the security of the United States requires the continued existence of the Atlantic defensive alliance is still valid. If Western Europe were drawn into the Soviet orbit, that would be the beginning of the end of a free United States. Yet, we Europeans have no right to expect our American friends and allies to be forever responsible for Europe's freedom and destiny. Rather, it is our duty to strengthen our continent ourselves in order to relieve the United States of some of its many tasks. This is possible only if NATO is transformed from a defensive alliance for United States protection of the free European nations into an American-European pact. And such a pact of two continents can only be brought about if first the west European partners of the United States get together to form a group within the Alliance with the aim of joint political action as the result of co-ordination and co-operation among themselves. The first task of such "grouping"—to give it a deliberately undramatic name—should be to take stock of the confused European situation.

*(a) The Kremlin's strategy*

The Kremlin's strategical plans remain clearly discernible, although some people are trying to revive their pipedreams and to cover reality again by a veil of error, delusion and cant. During the night which preceded August the twenty-first, nineteen hundred and sixty-eight the Soviets by occupying Czechoslovakia consolidated the "cordon stalinaire" around their European sphere of influence, and thus unmistakably disproved the theory that in wise restraint of their way they might be disposed to transform their empire into a "commonwealth" of sovereign states. Their military action was buttressed by a political doctrine pronounced "ex cathedra" by Leonid Bezhnev. This doctrine lays down the law that the Soviet Union has the right to intervene in any socialist country of the communist camp wishing to shape life within its frontiers and contacts with others outside too much according to its own needs. At the same time, when it seems opportune and expedient to do so the Soviet Union seeks to intimidate by ruthless threats any "capitalist" state not bowing to this doctrine unquestioningly—a case in point was its announcement that it would invoke the so-called enemy clauses of the United Nations Charter against Bonn to bring it to heel. The Soviets want a divided Europe and ultimately a Europe under their control, and for this purpose they find it very useful to talk of German revanchisme and of a—fictitious—German threat.

*(b) The main functions of the Atlantic Alliance*

In this situation, and for quite some time to come, the Atlantic Alliance has two main functions. One is to maintain the military balance which so far has prevented aggression and black mail, and will continue to do so in the future. The other is to maintain the political unity of action among European countries and between Europe and the United States. If the Alliance should fail to fulfill these functions, the Soviets will sooner or later by subtle political manoeuvres find the weak spot which they can explicit to divide us and ultimately bring us under their control. In the foreseeable future, maintenance of the Alliance will remain the only effective response to the undiminished challenge from the East and thus the only guarantee of our common security. But the Alliance must be adjusted to changes and developments in the world. The only way to do this is by strengthening the European element of the Alliance. Europeans must cooperate more closely in the field of defence, and must step up their military effort, gradually integrating their armed forces. On this basis, a new shape of the Alliance will have to be worked out with the United States within the framework of NATO reform.

*(c) European security conference and European peace system*

To moot this subject in the supposed interest of Western security throws a glaring light on the pipedreams and illusions of some Western—and particularly Western German—politicians. I regret that I have to include the outgoing Federal German Foreign Minister and many of his party friends. In my view, the old socialist dream of an All-European security system that could be built if all European nations left both NATO and the Warsaw Pact, would mean the end of the Western world. It is therefore a hopeful sign that the scheme of a so-called European security conference and European peace system has been coldly received in the United States and France. To my mind there is every justification to fear that it would only put the seal on the status quo and the division of Germany. One must be grateful to Mr. Alistair Buchan, Head of the Imperial Defence College and formerly Director of the Institute for Strategic Studies, for countering the idea of a European security conference advocated by the former Soviet Ambassador in London, Mr. Ivan M. Maisky, and refuting the claim that the forces of peace were stronger in Europe today than the forces of war, pointing to the following facts:

1. that the Soviet invasion of Czechoslovakia has increased the number of Soviet troops permanently stationed in Europe by 20 per cent;

2. that the military budget of the Soviet Union has been steadily increasing in the past four years whereas that of West-European countries has remained at the same level;

3. that military circles have obviously gained greater influence in the Kremlin than they had before

Likewise, Mr. D.E.T. Luard, Labour M.P.: for Oxford, rightly emphasized that what the Soviet Union hoped to achieve at a European security conference was restoration of its damaged prestige, stabilization of its western front, enhancement of the status of the Soviet zone of Germany, recognition of the Oder-NeiBe line and disposition of the United States to withdraw its forces from Europe, whereas this conference was not likely to yield anything of any benefit to the West. As matters stand, we West-Europeans cannot but urgently appeal to our American friends to keep vigilant guard with us so that the dangers lurking behind this seducing facade may be recognized in time. If the Soviet Union were honestly interested in European security and in reinforcing world peace, it would have to be more explicit about, or at least to give some indication of, the steps which it would be prepared to take itself with a view to solving this problem. But before this has happened, any innocent acceptance of such Eastern proposals would mean playing with fire and might jeopardize the freedom of all of us.

*(d) Common strategy for the defence of Europe*

In the immediate future, the most important task is to work out a common strategy for the defence of Europe. Its principal objective must be the maintenance of peace.

What we need in the future is not a military defense concept, but a political security concept in line with the progress of technology. Strategy and technology will have to concentrate on the one task which will count in future, that is, credible and effective deterrence. The credibility and effectiveness of deterrence will be exclusively determined by three inseparable elements of equal importance:

The chain of deterrence must have no gaps. Any gap closed by conventional means only will destroy the whole deterrent effect.

The deterrents must be adequate and at least equivalent to the potential of the enemy.

The use of the deterrents in case of aggression must be compulsory. Only then will deterrence be credible.

*(e) Nuclear division of labour between Europe and the United States*

A concept of European security which meets these requirements is conditional upon a "nuclear division of labour" and, at the same time, closer co-operation between the United States and its European allies. But such a more sophisticated strategy which would imply that United States power would not need to be brought to bear at the very first moment, cannot be applied unless Europe is able to protect itself. The larger countries of Western Europe have the human, financial and therefore economic resources to create their own joint and efficient defence. What is lacking is the determination to do so. There is no room in Europe today for a purely national defence policy; such a policy would be entirely out of the question where nuclear strategy is concerned, for this calls for planning space which just does not exist within the narrow confines of individual European countries. That is why in the long run we need a European defence organization. It is the only chance Western Europe has of becoming a potentially equal and autonomous military partner of the United States within NATO in the foreseeable future. The first step could be for Great Britain and France to pool their nuclear arms, creating the core of a European nuclear force to which the other European countries could make appropriate contributions. In this initial stage of the community, the order to use nuclear weapons could only be given by the existing authorities in whose territories parts of the nuclear arsenal were located. In this way, it would be possible very soon to get two effective western strategic systems which would be complementary, but autonomous, with one headquarters in Washington and the other on the European continent. I should like to emphasize that this concept would not give Germany national control over nuclear weapons. The aim must always be to transfer control over the use of weapons from national authority to community authority, to a central government. Only, such an authority must first exist, and it could only be embodied in the sovereign figure of the President of a European Federation. And for this stage to be reached, it will be necessary to accept solutions along the lines just set out.

It is difficult to understand why this idea should be attacked on the grounds that it involves the danger of creating a third nuclear power which—independent from the United States and the Soviet Union—could trigger nuclear chaos. The fact that Britain and France are nuclear powers in Europe seems to be completely overlooked. Actually, creation of a European nuclear force would reduce the number of existing nuclear powers by one, and eliminate the risk of national panic accidentally precipitating a collision.

If this project of an American-European partnership is to be realized, which I consider essential to preserve our freedom, then all of us—you, ladies and gentlemen, your government and all Europeans have one great common objective, that is: to promote untiringly

and unconditionally the political integration of Western Europe so that a genuine American-European partnership may result to our mutual benefit. Only then will the presently precarious state of our security and of world peace give way to stable conditions.

VIETNAM

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. MOSS. Mr. President, I realize we are technically in the morning hour and that my time has been extended two or three times by unanimous consent. I am happy to go on as long as the Senate agrees. I appreciate the comments of my colleagues, which have been pointed and thoughtful. However, I do not want to trespass on the time of other Senators.

Mr. YARBOROUGH. Mr. President, will the Senator yield for a question?

Mr. MOSS. I am happy to yield.

Mr. YARBOROUGH. Did the Senator hear the figures on the total American casualties in the Vietnam war which the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), stated at Salt Lake City on Saturday evening?

Mr. MOSS. Yes.

Mr. YARBOROUGH. The casualty figure is over 290,000.

Mr. MOSS. Total casualties; that is correct.

Mr. YARBOROUGH. Does the Senator know what the total casualties were in the war in Korea?

Mr. MOSS. I do know the number except I know they are less than the total in South Vietnam.

Mr. YARBOROUGH. At the present rate our casualties in the Vietnam war will in a few more weeks exceed the casualties of World War I.

Mr. MOSS. I think that is a correct figure, which gives some measure of the magnitude of the war we are carrying on.

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

Mr. MOSS. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. MOSS. Mr. President, I now yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, I have read the Senator's statement and I have heard the remarks and comments of Senators today. I hasten to agree with the general feeling.

We have discussed this matter quite frequently. There is nothing Congress can do to end this war. There is nothing Congress can do to bring these troops back. It is a matter for the Executive. I have had the feeling in the last 10 days, and the remarks of Secretary Rogers over the weekend would seem to indicate, that the administration is beginning to feel the urgency—I think approximately 8 months too late—of getting the troops out of Vietnam. They realize what the great majority of American people felt some months ago, that, when the decision was made to make this a political war and not a military war, it was all downhill for us. When we gave up the option of bombing the harbor, when we gave up our option of cutting off supplies, we violated all rules of warfare. Those of us who attended military academies have been taught—and it has been taught for centuries, I suppose—that the way to defeat an enemy is to isolate the battlefield and then destroy those troops there. We gave up this option several years ago. There was nowhere to go except this continuing guerrilla warfare which requires something like a 6-to-1 ratio. We have never been able to do it successfully. We know our troops individually have been victimized by the very nature of the Vietnamese. They have been exploited in everything. We know we must get out.

But I do feel, and it is one of the reasons I joined the Senator from Kansas (Mr. DOLE), that the administration is beginning to feel this urgency and it is only through them that we can act. I have no desire to let up on the pressure because I cannot help feeling that pressure is what has put them in this frame of mind, which I believe is correct. I want to see this reflected in the time they ask for and I want to see these troops on the way home and as scheduled to assure an orderly withdrawal so that no GI's life is put in peril by these actions. The only place that schedule can come from is over in the Pentagon and from the White House. So, while we can point out what they should do, there is only one place it can be done. I think our pressure is well put.

I do not support the moratorium, as many Senators do.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MOSS. Mr. President, I ask unanimouse consent that I may proceed for an additional 2 minutes.

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

Mr. SAXBE. Mr. President, I do not support the moratorium, as I said on the floor, because, well intentioned as these young people are who put this matter together, and I have had letters from college presidents and others and I know how well intentioned Senators are, I question their ability to keep it out of the hands of the "crazies" who have moved into the area, not because of the war but because they are looking for a cause any place to cause disruption and revolution. I despair of their ability to handle the situation. It is for that reason I do not join.

Second, they ask for 2 days in November, and 3 days in December. If it does not work there is no problem, but if it does work, and nothing is going to happen to get all of our troops out of there if we start today, in 6 months we would have a week of trouble when we can least afford it next spring.

I commend the Senator from Utah. He, as I, looks forward to the day we can get down to the really important things in this country and leave behind the sad memory and the mistakes of Vietnam.

I thank the Senator.

Mr. MOSS. I thank the Senator from Ohio for his comments about the conduct of the war. I, too, think there have been some mistakes in the conduct of the war but I think, as I said in my statement, that we have tried to pattern our experience largely on Korea where we also fought a limited war, and finally came to negotiate a cease-fire. We thought all along we could achieve the same thing in Vietnam but we were wrong. We have not been successful, however, because of bad military tactics, but because of the political realities of South Vietnam.

I agree that the orders, whatever they are, are going to have to come from the Executive and military to move things. But I do not think we are without great influence in Congress. We can express a point of view. In the final analysis, we have to fund the war so they must come back to this reservoir of power if they want to continue this war.

Mr. President, this represents my point of view. I have tried to state it carefully and in a restrained manner. I appreciate the motivation of all Members of this body, who I am sure are struggling to find what they consider to be the proper solution to concluding the bloody conflict that goes on in Vietnam.

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

Mr. MOSS. I am happy to yield to the Senator from Tennessee.

Mr. GORE. Mr. President, I have listened with interest to the very learned remarks of the distinguished Senator from Utah. I congratulate him upon his contribution and upon the contributions of other Senators which he has drawn forth.

Perhaps the Senator will recall that the senior Senator from Tennessee was the first person in this Chamber to express the conviction that the policy of phased withdrawal was not a path to peace but rather a program that would prolong the war. I reached this conclusion, in essence, because the policy of gradual withdrawal, incremental or phased, over a period of time, was tied to the survival of the Thieu-Ky regime in Saigon.

I felt and still feel that the best avenue to peace is the utilization of the overwhelming presence of the United States in South Vietnam to persuade a coalescence of the forces, factions, factors, and personalities in Vietnam. Unless the people who live there, whose country it is, are willing to live together in peace, there is no way that a country even as powerful as the United States can enforce a peace.

Mr. MOSS. I thank the Senator from Tennessee and all other Senators who have made these observations. I agree with the Senator from Tennessee that ultimately the decision of what happens there must come back to the people of South Vietnam themselves.

As I said in my original statement, the longer we stay there with military forces and prop up a government that does not command the allegiance of the people, the fighting will continue and no peace can come.

Perhaps when we withdraw, the present government will collapse, if it has not broadened its base. Then that government must give way to some other government; but, eventually, there has to be a government in Vietnam that will command the allegiance and respect of the great majority of the Vietnamese people. When that is done, then peace will be restored.

I think that our worrying about the composition of that government has now become quite irrelevant. It is just the fact that there must be a government which will command the allegiance of its people. But it is not for us to decide what that government will be. That is for the Vietnamese to decide.

Mr. GORE. I suggest to the able Senator that the credibility of our whole democratic system is being put to a severe test.

Mr. Lyndon B. Johnson was elected President of the United States on a commitment to the American people, a promise, that American boys would not be sent into a land war in Asia to do what Asian boys should do for themselves.

Shortly after his election, I learned that plans were underway to send combat forces to Vietnam. I went to the White House, in an effort to dissuade President Johnson from committing ground troops to a land war in Asia. He reviewed the war with me. To make it brief, he said that President Eisenhower had sent advisers, that President Kennedy had sent more advisers, technicians, and aides, but that this was not enough and that he, President Johnson, must either withdraw the advisers, technicians, and aides, or send in combat troops.

He then made a very pointed remark to me, which I quote:

I am not going to be the first President to run.

I did not think that should be the question. I thought the question was the adoption of a wise policy for the United States under all these circumstances.

To make a brief analogy, Mr. Richard M. Nixon was elected President of the United States on a promise, specific and stated, a commitment to the American people to end the Vietnam war.

Six months after his election, there were more men in Vietnam than on the day of his inauguration. In the 9 months since his inauguration, we have had more than 68,000 American casualties in Vietnam.

Now President Nixon is quoted as having said—although he did not say this to me, as President Johnson did—but he is quoted widely as saying:

I am not going to be the first American President to preside over a defeat.

That should not now be the question, either. But after these two commitments to the American people, President Nixon is now pursuing the same policy, and making the same defense for policies and failures, as did former President Johnson.

What are the American people to do?

I do not like to set legislative deadlines. Frankly, I think that is a meat-ax approach. But, if the representatives of the people have no choice other than between a meat-ax approach and the continued meat grinding of our sons, it will be a hard choice, and the outcome may be unpredictable.

Yes, Mr. President, the credibility of our society, of the democratic process, of popular government is now being put to a severe test.

We are proud to say that the people are the masters of their destiny, but when they make a decision upon the basis of commitments from people seeking highest office, and when those commitments are violated, it raises doubts. It creates hopelessness and frustration. This lends itself to extreme action.

I say to the Senator that debate in the Senate may be strident, but strident debate is not so costly as the lives and bodies of 68,000 American boys.

Mr. DOLE. Mr. President, will the Senator from Utah yield?

Mr. MOSS. I yield.

Mr. DOLE. Let me say, in response to the Senator from Tennessee, that I have often heard recitals on the floor of the Senate about how we became involved in South Vietnam. I believe the Senator from Tennessee voted for the Gulf of Tonkin resolution and in fact, all Senators did except two. That indicated, to me, at that time, that there was some support from the Senator from Tennessee for U.S. policy in Vietnam.

In debate, at least by inference, it has been indicated that President Nixon has not changed policy. The repeated statement has been made that there were more troops in Vietnam in February or March than when President Nixon came into office in January. As has been pointed out in this Chamber, those troop movements were programed, as the Senator knows, last year. The point is that every Senator wants the war to end. There is a difference of opinion on how it should be ended. I happen to believe that President Nixon is on the correct course for peace, and that he does have a strategy for peace. He did not say he was going to end the war on January 21, 1 day after having been sworn in on January 20. Further, I would remind the Senator from Tennessee that Mr. Nixon is the first President since we became engaged in war in Vietnam to bring our boys back alive, to reduce the number of troops, and to deescalate the fighting.

I would guess that President Nixon has access to almost every fact there is to know about Vietnam. I would also say, as President Truman said so well: that President Nixon knows, "the buck stops here."

It is easy for me or other Senators to go around making judgments and criticizing, because we do not make the hard decisions. I know that everyone regrets and deplores the loss of one single life in South Vietnam.

We also deplore the injuries suffered by many of our boys. One can go to Walter Reed Hospital and find young men of 18, 19, and 20 years of age with arms gone, legs gone, and a variety of injuries. General MacArthur said we should never become involved in a land war in Asia. The Senator pointed out what President Johnson did. President Kennedy sent the first combat forces there. President Johnson sent troops there. President Nixon came into office in 1969, and he has had 8 short months to end the Vietnam war.

I ask the Senator from Tennessee, if he were the Hanoi government, and every day on the Senate floor Senators were saying, "We are not going to do anything but bring the boys home," how would he react?

I would guess the Senator from Tennessee supported negotiations. Many critics were for negotiations 8 or 10 months ago. Now some critics are saying, "Negotiations are not working; we must do something about it. We must withdraw on a unilateral basis." If we look at the war we can see there has been a change in the direction of our policy toward the war.

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

Mr. GORE. Mr. President, I ask unanimous consent that the Senator from Utah may continue for 5 minutes.

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

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

Mr. MOSS. I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, it is not a question now of the Tonkin resolution. It is not a question of who erred and how tragically. The real question now is a policy for peace. Like other Senators, I wish peace, I wish to aid President Nixon in achieving peace; and I suggest that his policies are contradictory and self-defeating, and I hope that by calling attention to that fact, the policies will be altered.

The President says, on the one hand, that he is for self-determination by the people of South Vietnam, and he adds that this is not negotiable. But then, secondly, he says that he stands firmly behind and beside Mr. Thieu, who in turn says that he must run such elections as are held. Indeed, he says, no elections can be held until 2 years beyond some as yet unspecified date. He says, moreover, that there will be no coalition government, "not even for a reconciliatory government."

So, on the one hand, President Nixon's policy proclaims self-determination by the people of South Vietnam, but, on the other hand, he says, in effect, You must keep Mr. Thieu.

Mr. President, we must have a policy for peace, and that policy can be found within the framework of the Geneva accords, to which we once adhered, but to which neither we nor the other side has remained loyal.

This is in no sense, in my view, an expression of partisanship.

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

Mr. GORE. In just a moment. I said the same thing when President Johnson was our Chief Executive.

The thrust of the sentiment in this country is for a settlement of the war; and to tie the United States to the survival of the Thieu regime and to equate peace for America——

Mr. DOLE. That is the statement of the Senator from Tennessee.

Mr. GORE. With the political success of President Thieu is not a program for peace but one to prolong the war.

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

Mr. GORE. I do not have the floor.

Mr. MOSS. Mr. President, I am glad

to yield to the Senator from Kansas. Then I would like to conclude.

Mr. DOLE. Mr. President, I generally share the sentiments of the Senator from Tennessee, but do not believe he is stating President Nixon's position when he equates peace with support of the present Thieu regime.

On May 14, President Nixon set forth eight specific proposals for peace, they were not tied to any regime.

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

Mr. DOLE. I yield.

Mr. GORE. I took the floor and praised that speech, but then President Nixon went to Midway and tied us to Mr. Thieu.

Mr. DOLE. I do not know about that, but I am sorry I missed a speech in which the Senator praised President Nixon. We have had the other side of this issue presented almost daily and, starting today, we will have the other side presented. This is not a Republican or a Democratic proposition; it is not a partisan issue. I just happen to believe that there has been a one-sided presentation on the Senate floor and by the American media. One would believe there is panic in the U.S. Senate and America and that we will do anything to get out of Vietnam. This is not an accurate impression, and the people of the United States should be properly informed.

Mr. MOSS. Mr. President, in my statement I think I tried to make it perfectly clear that this was not a partisan issue. It rose above partisanship. The Senator from Kansas seems to think it is, in some way, and that he is called upon to defend the President's point of view.

I praised President Nixon for the withdrawal of such forces as came out of Vietnam. My only statement was that I felt it had been temporized too much and that it was qualified. I want him to state categorically and immediately that all offensive action will cease.

I am not saying that in criticism of any political party or any political leadership. I am just trying to state the position I think the United States should take. I am doing it on the floor of the Senate, in the presence of my colleagues, because I think the President must eventually listen to the Senate as he must listen to the people when they demonstrate peacefully.

I do not want us to degenerate into a partisan wrangle. I want us to stop the killing in Vietnam.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator may have 2 additional minutes.

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

Mr. KENNEDY. Mr. President, if the Senator will yield, I want to join the other Members of this body who commended the Senator from Utah this afternoon. I think he has presented, in a very concise and reasoned and thoughtful way, a sound and useful proposal. I am certainly hopeful that it will receive consideration by those who are developing our policy and recommendations. I think the Senator has obviously given the matter careful thought and consideration. He has made a useful contribution to the whole dialog on a difficult and complex problem, as has been brought out there this afternoon. It is a many-faceted problem. I think the Senator has shown an incisiveness and a reasoned thoughtfulness which will help many of us in this body.

I join the other Senators in commending him for his statement.

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

Mr. MOSS. I yield.

Mr. YARBOROUGH. The question for consideration raised by the Senator from Tennessee is why, in view of the overwhelming sentiment of the American people we have not been able to disengage in Vietnam. We wonder why we had three candidates for the Presidency in the 1968 election, all of whom were war candidates. The problem is that we do not have a democratic system of nominating a President. Unfortunately, our political conventions are controlled by cliques. What we need is greater democracy in nominating the President. We need national preferential presidential primaries. I feel that if we had had national preferential presidential primaries, some candidate would have come forward and said, "I will settle the war." President Eisenhower did in 1952, and he won overwhelmingly on that platform. Had we had any candidate last year who unequivocally had promised to end the war, he would have won by a landslide.

I have felt this sentiment over the country, and I am hopeful that the reforms that the Democratic Party has proposed, and reforms which have been talked of in the Republican Party as well, will take place. I hope that both parties will reform their nominating procedures before 1972, to provide a greater voice for the people of this country in the nomination of candidates for the Presidency.

I thank the Senator for his great contribution today.

Mr. MOSS. Mr. President, I yield the floor.

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## SWEDEN: OUR GOVERNMENT GUILTY OF AFFRONT TOWARD A GREAT AND STABLE EUROPEAN NATION

Mr. YOUNG of Ohio. Mr. President, Olof Palme, recently chosen as Prime Minister of Sweden, is the most outspoken critic of the heads of government of any European nation against our policies in Vietnam. He has denounced the United States as an aggressor in Vietnam.

Palme is leader of the Social Democratic Party. He received a bachelor's degree at Kenyon College, Gambier, Ohio. He studied law in Sweden. He is still a young man, and his rise to power in 10 years has been spectacular.

Recently, he stated:

I am not anti-American but I denounce United States aggression in Vietnam. I sorrow that a country such as the United States where I attended college and where I have many affectionate friends has been an aggressor in a civil war in south Vietnam on the side of a minority opposed to national liberation.

Formerly, as Minister of Education he participated in Stockholm in an anti-American demonstration walking side by side with the Ambassador from North Vietnam. Recently he directed a grant of $40 million as foreign aid from Sweden to North Vietnam.

Prime Minister Palme has also been outspoken in his denunciation of the fascist colonels who crushed democracy in Greece, and he has assailed his powerful neighbor, the Soviet Union, for its aggression against Czechoslovakia. This wise young national leader recently reiterated Sweden's support for the admission of Communist China to the United Nations.

To date, President Nixon has refused to nominate an ambassador to Sweden. That post has been vacant since the departure of Ambassador William W. Heath on January 23, 1969, 3 days after President Nixon took office.

What valid reason can there be for this administration's continuing affront to the Swedish people in refusing to normalize diplomatic relations between the United States and Sweden? How can Nixon administration officials or our Secretary of State justify this policy when they continue diplomatic, economic, and even military support of fascist dictatorships in Greece, Spain, Haiti, Brazil, Argentina, Paraguay, to name a few of the nations ruled by fascist tyrants?

Can it be claimed that Sweden is engaged in hostile action against the United States? Has she alined herself with our so-called foes? Of course not. The fact is that Sweden historically has been neutral. Sweden has not been involved in a military conflict since 1814. As stated, Prime Minister Palme has publicly denounced leaders of the Soviet Union for their aggression in Czechoslovakia. Sweden is neither a member of NATO nor the Warsaw Pact nations.

As for Sweden's policy of nonalinement, is her friendship toward the United States less valuable and less sought after than that of such nonalined nations, so-called, as Switzerland, Finland, Burma, Indonesia, and Tanzania, to name a few neutral nations with whom we maintain cordial diplomatic relations?

Is Sweden's democratic form of government repugnant to our sensibilities? Manifestly not. The fact is Sweden is one of the world's freest societies, a nation with a long tradition and history of freedom and democracy.

Does the President delay naming an ambassador to Sweden because the Swedish Government disagrees with our involvement in a civil war in South Vietnam? The fact is that the United States maintains excellent diplomatic relations with a number of nations whose chiefs of state are extremely critical of our fighting an immoral, undeclared war in Vietnam—a war that has caused the death or maiming by our bombing and artillery fire of at least 500,000 Asian civilians—women, children, and old men. Among these nations are India, Pakistan, and France, not to mention the Soviet Union and other Eastern European nations giving active diplomatic, economic, and military support to the National Liberation Front, the VC, and to North Vietnam.

Does the President refrain from appointing an ambassador to Sweden be-

cause Sweden has offered asylum to American servicemen, many of whom in good conscience believe that they cannot participate and kill in what they consider an immoral war? Evidently not, because the United States maintains extremely friendly relations with Canada, our neighbor to the north, which has also opened its doors and provides safe refuge and, in fact, hospitality and friendship to hundreds of young Americans who are evading the draft for conscientious reasons and refuse to serve in what millions of Americans regard as our involvement in an undeclared, unpopular, and immoral war.

The Prime Minister of Sweden recently stated:

> We shall continue to repeat simple but important truths. That the longing of peoples for freedom cannot be beaten by violence. . . . That peoples have the right to decide over their own destiny.

These are truths which were, in fact, embodied in 1776 in our Declaration of Independence.

Mr. President, Sweden is increasingly taking on a greater role in foreign affairs. Sweden is a dynamic young country with one of the world's highest standards of living. The per capita income in Sweden is surpassed only by one Nation—the United States. President Nixon's failure to name an ambassador to Sweden constitutes a continuing unwarranted and unconscionable insult to the Swedish people. In the long run, it will prove harmful to our Nation.

Olof Palme will officially become Prime Minister of Sweden tomorrow. President Nixon could make no finer expression of the traditional friendship between the United States and Sweden than by announcing his intention to name an American ambassador to Sweden without further delay.

## ADMINISTRATION RESEARCH CUTS THREATEN NATION'S HEALTH

Mr. YARBOROUGH. Mr. President, our Nation is facing a crisis in the field of health care. Every day we fall further behind in the race to provide adequate care for those who are ill and injured in our society. Earlier this year President Nixon correctly assessed the situation when he warned:

> The Nation is faced with a breakdown in the delivery of health care unless immediate concerted action is taken by government and the private sector.

But rather than stepping up health programs, the administration has wielded a cruel ax and severely cut the existing programs, intensifying the imminent disaster and callously disregarding the lives and hopes of those Americans suffering from diseases.

In the October 13, 1969, issue of the Washington Post, reporter Victor Cohn, in his front-page article entitled "U.S. Scientists Fear Further Cuts in Aid," brilliantly illuminates the disaster which threatens our Nation. Drastic reductions in Government research grants will seriously deplete our future supply of Ph. D's. and M.D.'s. At a time when we desperately need to increase the number of doctors, researchers, and teachers, the administration has effectively undermined our medical schools and laboratories. As Mr. Cohn points out, health and science budgets are 40 percent less than in fiscal year 1967 and the Department of Health, Education, and Welfare forecasts no research increases until 1973, to take up the losses in the past 3 or 4 years.

The situation is worsening every day. Within the past month, 360 valuable monkeys were exterminated at the National Cancer Institute. This was done because the money had been cut off. These were monkeys being used in research on cancer virus to determine whether cancer is transmitted in such a fashion.

It will be necessary to do away with dogs, monkeys, baboons, and other valuable animals. Much time will be lost, because these animals had been infected with virulent germs to determine what germs were transmissible.

We have lost out on research and are turning back the clock.

Sixty cents of every dollar in such research comes from the Federal Treasury. Thirty-five cents of every dollar that goes to support the medical schools in the United States comes through the Institutes of Health.

These are moneys appropriated by Congress. These are the moneys that this administration is cutting back.

The Institute of Doctors and Dentists meeting in New York expressed their dissatisfaction to me. We are facing a crisis that has not been faced at any time since the Federal Government started to put money into the medical schools to try to build up the number of doctors and dentists in our country.

Never before have we had such a shortage of doctors and dentists.

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

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 3 minutes.

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

Mr. YARBOROUGH. Mr. President, the Nixon administration has ordered cutbacks this year and the termination next year of the chronic disease programs, involving cancer, respiratory ailments, diabetes, arthritis, heart and stroke and neurological and sensory disorders.

Mr. President, these programs were started under the leadership of former Senator Lister Hill to find out the cause and cure of cancer, heart disease, stroke, and respiratory ailments, including the alarming increase in emphysema. All the hopes and dreams of millions of suffering Americans, plagued by these diseases are being shattered by the reckless dissolution of health facilities by this administration condemning them to a slow death or permanent disability without the possibility of a remedy through research.

These millions of Americans live in the hope that a breakthrough in research will come any day or week or month.

The Framingham, Mass., study to determine the effects of smoking, high blood pressure, obesity, and blood cholesterol on the heart and blood vessels has been terminated. National Institutes of Health grants have been cut 25 percent since 1965. In addition the administration ax has fallen on 19 clinical research centers across the country, completely abolishing them.

Mr. President, nine of those 19 clinical research centers were engaged in research on infant illness and infant mortality. The United States ranks 15th with respect to infant mortality rates among the countries of the world. Fourteen other countries have a better record than we do on infant mortality.

In some nations of Western Europe, the number of deaths per thousand births is only half the number in our country. Yet this administration is closing out the research that was started largely under the leadership of Senator Lister Hill. They have abolished 19 clinical research centers in our country.

Mr. President, these and many other health cuts have been made by the Nixon administration in the name of economy. But it is a false economy. The long-range loss to our society is impossible to assess in strict dollar figures, but these cuts will surely sap the manpower reserve in our Nation. Furthermore, the research that is being stopped before completion means that a large body of scientific knowledge will lie dormant until the work is resumed.

Mr. President, we just cannot cut off the research funds and then start all over again at a later date. We are dealing with valuable animals that have already been infected by viruses to see what effect the viruses will have and whether they are transmissible. The scientists will have to do it all over again.

This is a careful selection process that requires close observation to be sure that the animals are free of disease so that we will know what effect certain viruses and medicines will have on them.

Mr. President, I ask unanimous consent that the article entitled "U.S. Scientists Fear Further Cuts in Aid," by Victor Cohn, in the October 13, 1969, issue of the Washington Post be printed at this point in the RECORD.

The article specifies all of the places where the Nixon Administration is undercutting our vital national health programs. The article lists the names and locations of center after center where funds have been cut down or abolished. I commend the article to the attention of Senators and hope that the article will be read in the paper or in the CONGRESSIONAL RECORD tomorrow.

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

U.S. SCIENTISTS FEAR FURTHER CUTS IN AID

(By Victor Cohn)

"We are witnessing a mindless dismantling of the American scientific enterprise."

These words—spoken at a recent meeting of the American Chemical Society—represent a deep new fear among American scientists and medical researchers.

They fear that what a year ago still seemed a temporary "leveling off" in federal support of research and training in science and medicine has become an annual pole-axing.

They report that:

A combination of cuts, "hold-downs" and inflation has meant a 20 percent cut in the

last two years in academic research—basic and advanced studies at universities, hospitals and similar centers. In many fields, it means a more than 40 per cent cut since fiscal 1967, the year science budgets began leveling off.

Fiscal 1970, the budget year that began July 1, "will obviously be the worst year yet," though Congress has not completed action yet on any appropriation bills.

Fiscal 1971 budgets, by advance word, will be no better, or provide only "minimal increases." In fact, a five-year plan now being drafted at the Department of Health, Education, and Welfare sees no research increases for nearly four years—not until mid-1973.

The greatest effect, leaders in science and medicine agree, will be on the future supply of Ph.D.s and M.D.s.

In recent interviews, Dr. Lee A. DuBridge, President Nixon's science adviser, Dr. William McElroy, director of the National Science Foundation, and Dr. Philip Handler, president of the National Academy of Sciences, agreed that the next 20 years will need armies of experts to clean up pollution, man health centers, staff university faculties and build new urban and industrial technologies—and that present federal policies will not provide them.

DuBridge, in testimony to the House Science Subcommittee, spoke of "our faltering scientific enterprise" and warned of "huge" and "serious" gaps in "fruitful and important fields."

A "CRITICAL STAGE"

"Our research in terms of real effort is declining," he said in an interview. "Our scientific corps is not growing as it needs to grow—when our population is increasing and the needs of the country are so clear and glaring. We're at a very critical stage."

Handler—new head of "the Academy," a group that advises the government on many issues—said, "A crisis is facing all American science. It is a very black picture."

McElroy—new head of the NSF, the government's main agency supporting basic research—said, "The crisis is not here. It can still be avoided if we start growing modestly. I think we're on the edge. The way things are going, I see a real possibility of collapse."

"Collapse" to McElroy means not just failure to build new buildings and buy new telescopes or medical electronics—"this has already been happening." It means "loss of young people," who are "already being forced to turn to other fields," and then loss of faculties, "which has not yet happened but will begin."

For "the way things are going," the scientists point to what has happened so far.

The Nixon budget asked $500 million this year for NSF—it provides nearly a fourth of the government's $2.1 billion support of academic science and training. A House Appropriations Subcommittee cut this to $420 million. With $20 million in left-over funds, this would make $440 million, compared with $420 million in fiscal 1969.

Even if NSF winds up with more, however, say $450 million out of a conference committee, this would mean just a 6 per cent increase. McElroy and many others say: "General inflation costs us about 5 per cent a year. Increasing scientific and medical sophistication costs another 5 per cent, and increasing salaries—because we mainly have young investigators—costs another 5 per cent. So we need about 15 per cent more a year to stay even."

The Nixon budget allotted the National Institutes of Health just $1.64 billion compared to last year's $1.93 billion for biomedical and health projects, study and training. It allotted $462 million of this as "regular" research grants, which may wind up as $425 million, affected by the President's recent order to slice an extra $3.5 billion from federal budgets.

MEDICAL SCHOOLS HIT

"The main effect," says one health scientist, "is on medical schools. The entire medical school, not just the research labs. And on output of future doctors, teachers and researchers."

According to Dr. John Cooper, head of the Association of American Medical Colleges, these schools today get "upwards of 40 per cent" of their total income from federal research and training grants. For some the figure is "50, 60 or even 70 per cent." They are also being hit by cuts in Medicaid, which they need to help pay for low-income patients in their research and teaching hospitals.

Some specific effects:

Nine medical schools are now, Cooper states, "teetering on the edge of insolvency"—drawing on thin reserves or other university funds to stay open, unable to accept poor black students or obey demands to "expand" to provide the U.S. more doctors. Cooper declined to name affected schools. But in New York City last week the New York Medical College said its "continued existence is threatened." Medicaid cutbacks have caused a $1.3 million annual deficit at its Flower and Fifth Avenue Hospitals.

All NIH Sept. 1 grant renewals were cut by around 5 per cent to save $14 million. Funds for new grants were cut by 10 per cent, to save $18 million, and "I am concerned that even these cuts may go deeper," says Cooper. Some units are already making deeper cuts. The National Inistitute of Arthritis and Metabolic Diseases has been making 15 per cent slashes in many programs, to save funds for renewals and new awards.

In all, there will probably be less than 10,000 NIH grants in effect by the end of fiscal 1970, compared with 12,324 in 1965.

To save some $9 million a year, five major programs to attack chronic and crippling diseases—specifically, heart disease, stroke, cancer, arthritis, diabetes, neurologic and sensory diseases and lung diseases—are to be phased out. "Ironically," comments one doctor, "these programs were started by Congress to translate basic research into help for patients. These cuts will wipe out many unique staffs, staffs that took years to put together."

To save $4 million, 19 of 93 "clinical research centers"—small 4-to-10-bed advanced units in hospitals—are to be similarly abolished.

To save $400,000, a world-famous National Heart Institute program to study factors contributing to heart disease is being ended. This is "the Framingham study," following Framington, Mass., men and women to learn how smoking, high blood pressure, obesity, blood cholesterol and other things affect the blood vessels and heart. "Heart researchers in and out of NIH are sick about this decision," said a recent issue of Washington Report on Medicine and Health.

Nearly 400 monkeys—carefully followed for five years to study virus-caused cancer—are to be killed by the National Cancer Institute. Animal centers at many hospitals and universities also will suffer.

Doctors at NIH's big Clinical Center, its own research hospital at Bethesda, report that "in many wards we are so low on nurses and other workers that we are turning away patients we could and should care for."

Cuts in NSF and other federal support in the physical sciences—report professors in those fields—will have similar effects in physics, astronomy and other areas. "Studies of human behavior are on starvation rations," says one professor. Important work in organic chemistry—though it is basic to all medicine and biology—is being eliminated as "non-health-related" by NIH's National Institute of General Medical Sciences.

All this affects "knowledge we need for future technological progress," say men like Handler, McElroy and DuBridge. But "it is not merely a matter of support of research," McElroy emphasized—"It is a matter of the support of our universities."

"And of people," he added. "A research grant is the way you train a graduate student today."

Research grants, training grants and "clinical research" units, says Dr. Cooper, are "really part of the training of future faculty, the people who go into academic medicine. These are the very people needed to produce the health manpower to meet the crisis President Nixon says will exist."

An $18 million cut in NIH training grants and fellowships—from a $196 million total last year—means training programs have already been "wiped out" in some medical school departments, according to a report in Science.

EFFECT OF DRAFT

The draft and cuts in scholarship and loan funds add to the problem. The total effects will be "catastrophic," says Dr. John Knowles of Massachusetts General Hospital. Nobel prize-winning biologist Dr. Albert Szent-Gyorgyi says "the cuts are having a demoralizing effect" on the young and "shutting the way to science for many."

Dr. John Siegel at one of the clinical research centers to be closed—an acute injury and illness unit at Jacobi Hospital in New York City—asked, "Who will be our researchers in 10 years when we need to learn more about disease?"

A Health Manpower Act was voted by Congress in 1968, but funds to help medical schools have never been approved. Cuts in "neurologic and sensory diseases," a specialist points out, mean lack of funds to train speech pathologists and audiologists to help children with speech, hearing and learning troubles.

REQUEST UNANSWERED

A University of California zoology professor reports that two professors trying to learn how to manage the polluted environment "have spent between them about 40 man-hours negotiating with a major U.S. agency for a joint program to train one graduate student. The request to date has not been answered. You cannot imagine the bitterness I feel at the absurd discrepancy between the demands made on our time by the press and by politicians, which contrast so sharply with our inability to get funds."

Alarm in the scientific community is growing. In the Sept. 26 issue of Science, organ of the American Association for the Advancement of Science, scientist-editor Dr. Philip Abelson called on scientists for "political action": "They have the wit and energy to develop the political clout necessary, and they should get about that business."

Many scientists, among them Harvard's Dr. George Wald, blame the country's defense and war bill for the problem. Dr. S. E. Luria, distinguished MIT biologist, contrasts the nearly $4 billion-a-year support for space exploration alone—which he considers "scientifically trivial"—with the tiny sums shared by "hundreds of projects."

Dr. Roger Egeberg, HEW's health chief, said at a recent House subcommittee hearing that "I will see if I can't make a crisis" over the low priority for health funds. NSF's Dr. McElroy has personally visited 25 senators and representatives, "and I ask them why don't they want to support the development of science and technology, and the exploration needed to keep young people, which are the future of America."

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## TAX REFORM LEGISLATION

Mr. BYRD of Virginia. Mr. President, the Senate Finance Committee has now completed 5 weeks of public testimony on

the Tax Reform Act of 1969, and has had 2 days of executive sessions.

The committee has scheduled daily executive sessions through October 31. Senator LONG, chairman of the committee, has expressed the hope that a tough schedule of work can be adhered to, so that a motion to report the bill to the Senate can be entertained on Friday, October 31.

I ask unanimous consent that the agenda, as established by Chairman LONG, be inserted in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, the pending tax legislation is immensely complicated. It affects every segment of our population. Its basic purpose is not tax reduction, but tax equity. This is an important objective.

In seeking this objective, the Congress has an obligation to understand the proposals and to be sure that we do not unjustly penalize the many in order to strike at the few.

For example, representatives of the independent colleges throughout the United States, of which there are about 1,500, have testified that the legislation in its present form will penalize charitable contributions and will seriously cripple such schools. If true, this would increase the burden on tax-supported colleges.

Hospital and church officials say their institutions will likewise be crippled.

Representatives of States, counties, and cities say the cost of local government will be increased if the Congress changes the status of State and local bonds.

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

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I be permitted to continue for an additional minute.

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

Mr. BYRD of Virginia. Mr. President, so I say this bill must be handled carefully and thoughtfully. We should understand what we are doing.

I shall cooperate fully in an endeavor to bring this bill to the floor of the Senate by October 31.

I am prepared to devote whatever time is necessary as a member of the Finance Committee to see that the tax legislation is completed by October 31.

I have the feeling that the uncertainty regarding what will or will not be done in regard to taxes is affecting the entire economic life of our Nation.

A college president told me yesterday that contributors are reluctant to make commitments. I have received the same information from church officials and from various philanthropic organizations.

The business community and the farmers urgently need to know whether the investment tax credit will be repealed. Until they know, they cannot determine the extent of their investments in new machinery, machinery which in turn creates jobs for the people.

The business community as a whole is affected by the uncertainty which exists.

Handling such major tax legislation in such a relatively short time presents a problem of some magnitude for the Finance Committee.

But the final decisions cannot be made by the committee. The final decisions must be made on the floor of the Senate.

I feel that the sooner this tax legislation can be brought to the Senate floor, the sooner we can dispel the uncertainty which is having a bad economic effect on our Nation—and which could lead to increased unemployment.

EXHIBIT 1

COMMITTEE ON FINANCE—SCHEDULE FOR EXECUTIVE SESSION, H.R. 13270—THE TAX REFORM ACT OF 1969

MONDAY, OCTOBER 13

Sec. 201. Charitable Contributions.

TUESDAY, OCTOBER 14

Sec. 221. Limitation on Interest Deduction.
Sec. 231. Moving Expenses.
Sec. 311. Income Averaging.
Sec. 321. Restricted Property.
Sec. 331. Deferred Compensation.
Sec. 515. Total Distribution under Pension Plans.
Sec. 541. Pension Plans of Subchapter "S" Corporations.

WEDNESDAY, OCTOBER 15

Secs. 341–342. Multiple Trusts.
Sec. 401. Multiple Corporations.
Secs. 411–414. Conglomerates.
Sec. 421. Stock Dividends.
Secs. 431–432. Foreign Tax Credit.

THURSDAY, OCTOBER 16

Secs. 441–444. Financial Institutions.

FRIDAY, OCTOBER 17

Secs. 211–213. Farm Losses, etc.
Sec. 531. Cooperatives.

MONDAY, OCTOBER 20

Sec. 521. Real Estate Depreciation.
Secs. 451–452. Depreciation Allowed Regulated Industries.

TUESDAY, OCTOBER 21

Secs. 511–516. Capital Gains.
Sec. 461. Alternative Capital Gain Rate for Corporations.

WEDNESDAY, OCTOBER 22

Hearing on Foundation (Peter G. Peterson).

THURSDAY, OCTOBER 23

Sec. 501. Percentage Depletion, etc.

FRIDAY, OCTOBER 24

Sec. 301. Limit on Tax Preferences.
Sec. 302. Allocation of Deductions.

MONDAY, OCTOBER 27

Sec. 101. Private Foundations.

TUESDAY, OCTOBER 28

Sec. 101. Private Foundations.
Sec. 121. Other Tax Exempt Organizations.

WEDNESDAY, OCTOBER 29

Secs. 701–705. Extension of Tax Surcharge and Excise Tax; Repeal of Investment Tax Credit, etc.

THURSDAY, OCTOBER 30

Secs. 801–805. Tax Reductions, Low Income Allowances, etc.

FRIDAY, OCTOBER 31

Review of bill as Amended; Miscellaneous Amendments. Vote on the question of reporting the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## FEDERAL INDIAN POLICIES: A NATIONAL DISGRACE

Mr. MONDALE. Mr. President, on Tuesday in Albuquerque, the senior Senator from Massachusetts (Mr. KENNEDY) addressed the annual convention of the National Congress of American Indians. His speech is a thorough, thoughtful analysis of the devastating effect our national American Indian policies have had on the Indians themselves—when, in fact, we pretend that these policies are designed to help enrich the quality of the lives of the 600,000 American Indians.

Senator KENNEDY stated that much of the blame for the national disgrace of our Indian policies must be placed at the door of the Bureau of Indian Affairs. He points out, for example, that the Bureau has one employee for every 18 Indians. This is some indication of the sheer size of the bureaucracy which has grown up inexorably since the Bureau was founded over 100 years ago.

I share Senator KENNEDY's view of our national Indian policies. I serve with him on the Subcommittee on Indian Education and have, with the subcommittee, visited Indian reservations across the Nation. What we have seen is shocking and presents us with a major national challenge. We need a Select Committee on American Indian Affairs; we need a White House Conference on American Indians; we need to alert the people of the country to how much has gone so wrong for so long. We need, too, an Indian Development Corporation; increased funding for Indian education programs; reorganization of the Indian responsibilities within the Federal Establishment. But most of all, we must begin to listen to the Indians and let them tell us what they need. We have had task force after task force, study after study, report after report—yet Indian voices have not been heard as these analyses have been assembled. Just as we must listen to the Indians themselves, so we must turn over the management of their schools and their lands to the Indians themselves.

I ask unanimous consent that Senator KENNEDY's remarks be printed in the RECORD. They deserve wide circulation and consideration.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY BEFORE THE NATIONAL CONGRESS OF AMERICAN INDIANS, ALBUQUERQUE, N. MEX., OCTOBER 7, 1969.

I was pleased and honored to be invited to speak to you today, as you meet in Annual Convention to celebrate the twenty-five years of life of the National Congress of American Indians. I count it a special privilege to be among you, the representatives of more than one hundred American Indian tribes from all across the country. I hope to talk with many of you, to listen to you speak of your frustrations and your hopes;

of your disappointments and your dreams; and your reverses and your gains. I hope to learn of your wants, and your needs—and how these wants and needs have been denied you for generations and generations. And I hope to hear how you, the American Indians, believe the indignities and the injustices you have suffered for so long can finally be put right.

But there are many specific reasons, too, that it is such a pleasure to be among you today. Like many Americans, I realize just how profound a debt not only this country, but the world, owes the rich heritage of your culture. Benjamin Franklin carried his admiration for the Iroquois Confederacy to the Albany Union. Thomas Jefferson and his fellow Federalists made frequent reference to the spirit of democracy in Indian political structures, a spirit fostering maximum order with minimum coercion. The pattern of states within a state we call federalism; the notion of our elected leaders as servants of the people, and not masters; the insistence that society must respect individual diversity—these were American customs long before 1492. We owe much more than this to your rich heritage, a heritage which has found its way into our folklore, our music, our games, and into all aspects of our lives.

I come not from a western state, but an industrialized, eastern state. Yet, my state of Massachusetts has many reminders of its Indian past. In the State House in Boston hangs a gold-leaf model of a fish, called the Sacred Cod. This fish is sacred because it kept our early settlers from starvation. And it was Indians who taught those settlers how to catch the cod. Thanksgiving is now a national holiday. It commemorates the occasion when the Pilgrims in Plymouth gave thanks for the Indian Massassoit, who taught them to plant and harvest food for the winter. Thus, while Massachusetts is an eastern state, it has many cultural ties with you and your heritage. Your concerns cannot be viewed as local only to the American west; they are concerns for all of us, whether we be from the east, the south, the north, or the west.

My work on the Senate Subcommittee on Indian Education has brought me into the villages, the homes, the reservations, and the schools of American Indians. It has taught me of the resilience of your way of life, which for so many generations has been the target of a determined, Federal effort to stamp it out. Yet you are the fastest growing minority in this country. You still speak 300 separate tongues. Fifty percent of your children who go to school speak their native language in your homes. You have preserved in the face of grave challenges, yet not without difficulty. Our Subcommittee visited the Alaskan natives last spring, and we saw firsthand some of these difficulties. We saw entire villages without modern sanitary facilities of any kind. And we found out there was no way for the Indians to get them. That is why, shortly after this visit to Alaska, I sponsored special legislation to provide Federal funds for construction of these facilities in 155 native villages. But we have learned much more than this in our Subcommittee's work. We have learned that Indian Education programs are traditionally under-funded. Consequently I was gratified when the Senate accepted last month my amendment to add $4 million to the BIA education appropriation. And this is why I am glad to be a member of the Subcommittee, because I have learned so much. I hope to help you teach all Americans some of what I have learned—how much we have to do, as a Nation, to bring into balance our human and legal obligations to the American Indian.

There is one final reason, a personal reason, I am glad to be among you today. Senator Robert Kennedy sought your advice; he talked not to you, but with you; he cared deeply about your welfare and your well-being. His oldest child, Kathleen, lived among you the summer before last. I know how much your friendship meant to him, and how it gave him inspiration and spirit. As I have carried on the work he began on the Indian Education Subcommittee, I have learned why it meant so much to him. So, I, too, welcome your friendship and your trust.

These are the reasons I am so honored to be with you this morning. I have come to understand how much more we have to learn from you, even today—an interest in people, rather than things; a strong sense of community; a need to share our lives with others; a dignity in harsh surroundings; a sympathetic, non-exploitive love for nature; and taking the measure of a man not by what he has, or looks like, or says, but by what he is.

You and I know these things. But too many other Americans do not.

Why is it that some people see only idleness and despair among our Indian people, but fail to see the fierce sense of individual pride and strong expression of autonomy and freedom?

Why is it that some people see only problems in cultural differences, but fail to see that these differences are not problems, but assets?

The answer to these questions, sadly, is that the Federal Government's Indian policies have been continuing national failure of major proportions.

These policies have swung between harsh policies of starving the Indians into submission, or kinder policies of "helping them" become non-Indians. If either policy succeeded, the Indians would then be off our consciences, and out of our pocketbooks. The underlying motive for both of these policies has been a continuing greed—a desire to exploit Indian land and physical resources. This motive has been stimulated by a self-righteous intolerance of cultural differences.

For too long, the dominant Indian policies of the Federal government have brought destruction to Indian communities; a continuing life of poverty for most Indians; a steady growth of a large and ineffective bureaucracy; a destruction of our natural resources; and perhaps, the most tragic, a nation both uninformed and misinformed about American Indians, past and present. This policy has permitted and encouraged prejudice, racial intolerance, and discrimination towards Indians.

These policies have also had a severe impact on the education of most Indian children. The schools fail to understand, or appreciate—and in fact, often tear down—the cultural differences. The Indian child then defends himself and his integrity as an individual by defeating the purposes of the school. The school in turn blames its failure on the Indian child, and reinforces his defensiveness. The ultimate result is a dismal record of absenteeism, drop-outs, negative self-image, low achievement, and ultimately, academic failure.

The government's policy has also had a devastating impact on the education of Indian children. The schools fail to understand, or appreciate—and in fact often denigrate—cultural differences. The Indian child defends himself and his integrity as an individual by defeating the purposes of the school. The school blames its failure on the Indian child, and reinforces his defensiveness. This depressing spiral generates a painful and unrewarding experience, which then sustains a self-fulfilling prophecy of accumulative failures. The ultimate result is a dismal record of absenteeism, drop-outs, negative self-image, low achievement, and ultimately, academic failure for many Indian children. The failure of the schools perpetuates the cycle of poverty, and undermines the success of all other programs aimed at bettering the lives of American Indians.

Senator Robert F. Kennedy called the facts illustrating our national Indian policies failure, "the cold statistics that illuminate a national tragedy and a national disgrace." Let me site just a few of these statistics from a 1963 government survey:

First. The Standing Rock Sioux had 500 out of 880 head of household unemployed, with a yearly family income of $190.

Second. On the Blackfeet Reservation in Montana, the permanent unemployment rate was nearly 75 percent, with an annual income of less than $500 per family.

Third. On the Choctaw Reservation in Mississippi, the unemployment rate was 86 percent. Only 170 adults, out of 1,225 had jobs.

Fourth. On the Hopi Reservation in Arizona, the unemployment rate was 72 percent.

Fifth. For all of the Pueblo Indians in New Mexico, the unemployment rate was 77 percent.

Sixth. Of the 19,000 adult Indians in Eastern Oklahoma, between the ages of 18 and 55, an estimated 10,000 were unemployed, and more than half of these 10,000 received no unemployment insurance, or any other welfare assistance at all.

How well have we faced up to the problem these statistics outline? Since 1962, we have created about 10,000 new jobs on or near Indian reservations. But only 4,700 of these new jobs are held by Indians. Out of a labor force of about 100,000 Indians, more than 50,000 are still unemployed. The average Indian income is about $1500. Our nation gets visibly upset when the *national* unemployment rate exceeds *4 percent*—yet we *tolerate* an Indian unemployment rate of 50 percent. Is this the best we can do? We have failed, and we continue to fail. We have yet to face up to the full dimensions of the disgrace of unemployment among Indians. Until we do, all the secondary implications of it will grind down on the lives of American Indians.

Let me cite a few of these secondary implications.

Housing. Indian housing is without a doubt the worst in the nation: 50,000 Indian families live in unsanitary, dilapidated dwellings, many in huts, shanties, even abandoned automobile bodies.

Health. Health conditions among American Indians continue to be the worst in the nation. Indians have the highest infant mortality rate in the nation—32 percent, against a national rate of 24 percent. The tuberculosis death rate among Indians is five times the national rate. Thousands of Indian children are afflicted with permanent hearing loss due to chronic ear infections; 80 percent of all Alaskan native children have ear diseases. Only one doctor is available for every 900 Indians. The ultimate consequences of these health conditions are that life expectancy of the Alaskan native is only 35 years and for the total Indian population only 44 years. The national average in the U.S. is 65.

Education. The educational performance of Indian children is the worst in the nation. Drop-out rates are twice the national average. Achievement levels are 2–3 years behind white children. More than 75,000 Indian adults cannot read and write at a fifth grade level. More than 16,000 school age Indian children do not go to school at all.

Throughout the 1960s, we have been groping toward a more enlightened national policy. The result, however, is measured more in terms of words than action. Studies, task forces, and commissions have come forth with their solutions for "the Indian problem". But the crucial ingredient has always been missing—Indians speaking for themselves about what is wrong, what they want and need, and what our policies should be. The Declaration of Indian Purpose, drawn up in 1961 by Indians, was largely ignored. Meanwhile, the Federal Government continued to churn out studies, reports, messages to Congress—all of them a white man's charade.

What must be done? A great deal, without question. More than I can discuss today. But let me make five specific suggestions, for consideration by you in your national conference.

First. A national policy for Indians developed by Indians. If the Federal Government is ever to set more enlightened policies, it is necessary that you define for us what those policies should be. How best can this be done? I would recommend a White House Conference on Indian Affairs. A White House Conference would have the necessary stature to command the attention of the Federal government and general public. We have had White House Conferences on Civil Rights, on Natural Beauty; we will have one next year on Aging. It is time we had one for Indians. It would provide for broad scale participation of Indians in extensive deliberations at tribal, regional, and national levels, leading up to the White House Conference itself. The report of this Conference—with policy, legislative, and program recommendations—could serve as the blueprint for reform and change over the next generation. You passed at your last convention a resolution recommending such a conference. I hope you do so again this year. Because you want it, and because it is so important, I will introduce a bill to authorize and finance a White House Conference on Indian Affairs in the near future, and will work for its passage.

Second. A select Committee on the Human Needs of American Indians. I think the Congress has failed to understand the human needs and aspirations of the American Indian. We have not recognized the failure of our national policies, nor have we faced up to the extent and severity of the problems which this policy has caused. I recommend that a Select Committee on the Human Needs of the American Indian be established in the U.S. Senate. There is no reason why a Select Committee on the Human Needs of the American Indian could not achieve similar results. I note that you have a resolution pending before your Convention to recommend such a Select Committee. I urge you to adopt it, and I assure you if it is adopted, I will do everything I can to bring it about.

Third. Re-Organization of the BIA. I hope you give careful consideration to the NCAI Position Paper on Reorganization of the Bureau of Indian Affairs. I congratulate your President, Mr. Wendell Chino, for his leadership on this fundamental problem. In the last analysis, the success of more enlightened policies depends upon implementation of them.

The Bureau of Indian Affairs is notorious for its resistance to reform, to innovation, and to discharging its responsibilities in a competent and sensitive fashion. No other agency of government is so burdened by such a history. Felix Cohen, a noted authority, has pointed out that BIA's present organization was designed to prevent accountability to the Indian communities being served; to frustrate and prevent Indian criticism and communication; and to facilitate the termination of services.

A few examples:

The Indian Affairs Manual fills 33 volumes and 6 feet of shelf space. In it, in addition to the more than 2,000 BIA regulations, are 389 treaties, 5,000 statutes, 2,000 Federal Court decisions, and 500 opinions of the Attorney General.

There is one BIA official for every 18 American Indians.

The BIA has presided over the loss of 90 million acres of Indian lands, and most of the proceeds—presently amounting to $330 million—are held in trust accounts for the Indians by the BIA. The Indians are stymied in their efforts to win control over their money—which is theirs by right—and until recently, the BIA refused to put these funds in interest-bearing securities.

If the annual budget of the BIA and other Federal programs for Indians were divided up among Indians, the average annual income would rise from the present $1500. per family to $6500. per family.

I am equally convinced that the BIA is incapable of reforming itself. It presently has the authority to contract out almost all its functions to Indian tribes; to make BIA officials accountable to Indians; and to reorganize itself. Yet if one thing is certain, it is that internal reorganization of BIA must be imposed from without the system—from higher up in the Department of Interior, or from the White House itself, but with participation by Indians themselves. It is here, particularly, that a White House Conference might do what has needed doing for a hundred years.

Four. Location of BIA. An equally serious and more emotional question is the location of the BIA—whether it should stay within the Department of Interior or whether some or all of it should be moved out. For myself, I would agree with your Resolution Number 6 that the Department of Interior, even under the best of circumstances, is unsatisfactory.

In the past, organizational changes have almost always been put forward as a way of getting the Federal government out of the Indian business. This has poisoned the well of constructive discussion and dialogue. Much of the information about why the Bureau should be removed from the Interior Department is not well known, and has not been brought together in a systematic way. This, too, would be an important task for the White House Conference.

The conflict of interest problems within the Department of Interior are far more serious than have been generally recognized.

For example:

Interior's Bureau of Mines opposed Indian interests, in seeking minerals at a low price from the Navajos;

Interior's Bureau of Reclamation has repeatedly opposed the Paiute Indians as they seek to protect Pyramid Lake, on their Pyramid Lake Reservation; furthermore, the Bureau authorized construction of the Garrison Dam which destroyed the Sioux reservation at Fort Berthold.

Indian tribes in the State of Washington were promised perpetual fishing rights by the Government in exchange for Indian lands. Yet Interior's Bureau of Sport Fisheries and Wildlife has severely restricted these rights.

This conflict of interest problem cuts two ways. It works to inhibit effective economic development of Indian resources by compromising the Indian's bargaining power in leasing his physical resources. At the same time, it forces neglect of the Human Resource programs of the BIA. These human resource programs comprise 80 percent of the BIA budget. Yet why should the Department of Interior manage education programs? Are they experts in educational standards? Have they ever used modern educational specifications to build Federal schools? Are they trained to understand the emotionally damaging consequences of institutionalizing six year old children? Why do they permit non-educators to make many of the important educational decisions?

The answer, of course, is not difficult. The Department of Interior has no expertise, or even much interest, in these matters. Your position paper calls it a "lack of empathy." It is probably far more serious than that.

Presently before our Senate Subcommittee on Indian Education are five proposals for relocating the BIA. They are reprinted in your program, with the NCAI positions on each outlined with them. It is my hope to come away from this convention with some feeling about how you, as a national community view these proposals, and any others as well. You might study them, and then vote on them in your councils. It would be an important contribution to our work in the Subcommittee if you then let us know how you voted. You can send us resolutions, letters, or any other indication of your feeling. But we want to know what you think.

My own views on relocation have not yet crystallized. But the minimum step must be raising the Commissioner of Indian Affairs to an Assistant Secretary's level. Perhaps we should go further—such as transferring the human resource programs into the Executive Office of the President, where OEO and the Peace Corps are located, for some set period of time while we undertake a crash program, on the highest level, to better the lives of all American Indians. After this set time, we would have a much better perspective on where the human resource programs—and the remaining BIA functions—should reside.

Fifth. An Indian Development Corporation. I would suggest you give careful consideration to the concept of an Indian Development Corporation, to be established by legislation as a public corporation under Indian control, with authority to issue as much as $200 million in bonds backed by the full faith and credit of the U.S. Government. The Corporation would be charged with the responsibility for maximum development of Indian resources, and a major effort to create new jobs for Indians in a short period of time. Nearly all of BIA's functions might well be transferred to the new corporation, after it was firmly established. This concept will require a great deal of thought, but I think it has great promise.

I note that the NCAI, with two foundation grants, has contracted for an intensive examination of this Indian Development Corporation concept. As you do, I await its results with high anticipation. It would be a great pleasure for me to sponsor the necessary legislation in the Congress and to work with you for its passage. I have seen the worth of this concept, as it is now actually operating in the Bedford-Stuyvesant slum of New York City. It has brought new income, new pride, and new homes to the blacks in Bedford-Stuyvesant; there is no reason its successes cannot be your successes. I pledge to you my assistance in preparing introducing, and fighting for the legislation.

Sixth. Education for American Indians. The Subcommittee on Indian Education is due to make its final report, two years in the making, at the end of this month. We have had many meetings, and have listened to many of you here today, in our hearings. I cannot now predict what our final recommendations will be, but let me suggest some of the positions I have been arguing for.

First, that Indians control Indian Education. There should be a national Indian Board of Education, which does not advise, but controls. It should have the authority to set standards and criteria for the Federal schools. It should have power to make contracts with public schools, to guarantee that Indian parents who choose to send their children to public schools can do so without prejudice to their culture and language. This means that local and state boards, too, should control education programs in their own areas.

Second, that Indians receive an exemplary education. Head Start, adult education, scholarships, vocational and technical training, special summer programs—we need to focus all these on Indians if they are to make up the lost ground.

Third, that Indian Education programs are adequately funded. Improving quality will take at least double the funds we now devote to Indian Education.

There is much, much more, of course, which our report will detail. But I think the thrusts are plain—control, quality, and funding.

I have made six specific suggestions. You will put forward others here at your convention. The difficult issue we now face is: how to give them practical effect. For we need no more studies; we need action. We need no more buck-passing; we know where the blame lies. We need no more promises; we know they are empty. We need no more Presidential Task Forces; we know they always have only a token Indian on them. As an Eskimo boy told me last spring in Fairbanks, Alaska: "We don't need more Indian experts; we need more expert Indians."

The United States Government accorded you rights and obligations as sovereign peoples—yet these rights have been steadily eroded. This inexorable erosion has been swept under the rug for generations. But I think now, there is slowly growing in this country an awareness that as a nation, we have many wrongs to right. You must help to spread this awareness, for it is a critical element in our democratic process.

In 1963, representatives from NCAI met with President Kennedy in the Rose Garden at the White House. He told them that their problems were:

An opportunity and a challenge for us all, in making sure that the American Indians have every chance to develop their lives in the way that best suits their customs and traditions and interests.

Those words can serve as a beacon, as we seek the course they light.

## VIETNAM WAR NOT A POLITICAL PARTISAN ISSUE AT THIS TIME

Mr. SCOTT. Mr. President, I ask unanimous consent that an editorial published recently in the Philadelphia Evening Bulletin be printed in the RECORD. The editorial expresses the concern of responsible people that the Vietnam war not become a political partisan issue at this time.

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

POLITICS AND VIETNAM

President Nixon's efforts to assemble a united front in support of his endeavors to end the war in Vietnam imposes a considerable responsibility on every citizen.

Not only must the individual subject the President's policies to flexible, day-to-day scrutiny, but he ought to be wary of attempts by some to use the war for raw political gain.

For combative Democrats, for example, the prospect of Mr. Nixon being able to end a war generally laid to Democratic Administrations can be positively unnerving, especially with the advent of the 1970 congressional elections.

The thought of peace, or, more probably, a steadily diminishing war, coinciding with the elections is one likely to bring out the politician rather than the statesman in even the most stable Democratic Representative or U.S. Senator.

The politician might try to placate the statesman by rationalizing that since Mr. Nixon is trying to end the war as fast as he can, there is nothing wrong with trying to win some of the credit that would undoubtedly come by prodding the President to move even faster.

The concerned citizen may not know whether he is hearing the statesman or the politician when, for instance, U.S. Senator and Democratic National Chairman Fred Harris, of Oklahoma, says: ". . . it is time to take the gloves off . . . we've got to escalate the pressure on the Administration . . ."

And some Republicans, differing philosophically with Mr. Nixon and in political trouble on purely local issues, might find it advantageous to divert voter attention through criticism of Mr. Nixon's policies. In areas where there is a demand for immediate disengagement, they might find it especially profitable.

One of the more reassuring things about the 1968 presidential primary elections and the pre-convention dialog on Vietnam was the obvious sincerity with which some of the presidential aspirants questioned the war and the morality of the U.S. commitment to it. There are men of good will who think the U.S. was wrong to be in Vietnam and should get out as fast as possible and in any way possible.

Thus, on the conscientious citizen rests the responsibility of weighing today's Vietnam utterances for purely partisan and personal political overtones. Shrillness should not be taken for soundness. And credence ought not to be given those who heap criticism upon Mr. Nixon's obvious steps toward peace, but fail to offer any alternatives.

## THE WISDOM OF SENATOR ELLENDER

Mr. McGOVERN. Mr. President, one of the most remarkable and indeed one of the wisest men to serve in the U.S. Senate is the distinguished senior Senator from Louisiana (Mr. ELLENDER). It has been my privilege to serve as a member of his Committee on Agriculture and Forestry during my entire 6½ years in the Senate. We have also served together this past year on the Select Committee on Nutrition and Human Needs, of which I have the honor to be the chairman.

Of course, Senator ELLENDER and I have some differences of opinion in certain areas of politics and government, but I have come to a profound admiration for many of his perceptions and insights in the all-important field of American foreign policy and national security.

For many years he has been making trips to various parts of the world to see for himself those forces that are moving around the globe. I am tremendously impressed with his early, acute perception of the weaknesses and dangers in our foreign policy, especially in our relationships to the Soviet Union and Southeast Asia. As early as 1955, Senator ELLENDER saw clearly the self-defeating nature of much of the cold war rhetoric and policy involving the Soviet Union. As he put it in one of his early reports:

It seems to me that we have as much to fear from ignorance, prejudice, selfishness, and bias in our own Nation as we have from a similar condition on the part of the Russian leadership.

Senator ELLENDER believes that much of our difficulty with the Soviet Union stems from the failure on our part to understand their legitimate fears of a rearmed Germany, the NATO block and the ring of military bases with which we have surrounded Russia for the past 20 years.

In the September 27, 1969, issue of the New Republic, Stephen S. Rosenfeld has written a thoughtful summary of Senator ELLENDER's travels and his observations. I am convinced that every Member of Congress would profit from reading Mr. Rosenfeld's account of our colleague.

As we have all learned, the war in Vietnam is perhaps the most regrettable overseas involvement in our national history. Consider, then, these early warnings by Senator ELLENDER, as reported in Mr. Rosenfeld's article.

Visiting Vietnam in that year (1956), Ellender was informed by US officials that a new agrarian reform code "demonstrates in the village the (Vietnamese) Government's concern for rural people." Ellender concluded that "our aid effort here, instead of being directed to activities designed to raise living standards, is being used to fill the coffers of the Vietnamese Government." The United States, he found, was supporting "a rather large information and propaganda program on behalf of the Government of Vietnam . . . another indication of the scope of our activities and the extent to which we have shouldered the burden of purely local governmental functions." Returning in 1961, he wrote: "My fear is that the cry of 'communism' is being used to pull our leg. . . . The people in (anti-Diem) areas permit, in fact invite, I was told, some infiltration from the north in order to strengthen their opposition to Diem. In Saigon, also there are many dissidents who do not like President Diem's tactics in administration. . . . It is my belief that much of the trouble stems from within. . . . Boiling discontent threatens to erupt at any moment. . . . Some feel that we should send American troops here. I would not do so under any circumstances."

Mr. President, I ask unanimous consent that Mr. Rosenfeld's excellent article including the bibliography of Senator ELLENDER's works be printed in the RECORD.

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

[From the New Republic, Sept. 27, 1969]

THE TRAVELS OF ALLEN ELLENDER

(By Stephen S. Rosenfeld)

The Congress harbors no more relentless and singleminded traveller than the 79-year-old senior Senator from Louisiana. For more than two decades, Allen J. Ellender has—to be precise—*trotted* the globe in pursuit of evidence of various follies of American policy. Since 1955 his findings have been recorded in nine public-reports covering 184 country visits. That these "books" (the Senator's word) have received slight notice, that a few highly mockable episodes and lines have alone been culled out by the media, and that other Senators have been hailed recently for insights he arrived at a decade or more ago —all this is accepted by Ellender with gentle regret. He attributes the lapse chiefly to his reputation as a Southern conservative in domestic, especially racial, affairs.

In a real sense, all Ellender's trips have begun at home, on the isolated and then "poor" farm, Hardscrabble Plantation in Terrebonne Parish, where he grew up. While other boys were in school, he was weighing sugar and keeping the books for the family enterprise. His formal schooling, before undertaking graduate studies at Tulane, spanned only four months. To this day he believes that a nation's strength is measured not by its military or industrial power but by its capability of producing what he refers to in tandem as "food and fiber." Ellender came to the United State Senate in 1937; only Richard Russell is now senior to him. He heads the Agriculture Committee—his chairmanship, his back-home occupation (farmer), his hobby (cooking) and his occasional metaphors ("seeds of freedom," "grassroots information") fit nicely.

As a Depression legislator Ellender was a natural follower of the New Deal, which he

trimmed to the shape of his own constituency and his own Puritan Ethic: it was the Federal Government's obligation to help the poor, but especially the rural poor and, among them, the poor who manifested some talent at helping themselves. Simple misery is not an adequate qualification for aid: "I lose patience with people who are poor and won't take advice." The New Deal political formula—an expectation of gratitude and loyalty in exchange for services rendered—informed his foreign outlook when, after his wife's death in 1949, he began taking his long trips abroad.

At first he travelled with other Senators and with a staff, but he soon sloughed off both; they cramped his go-go style and kept him from screening every grain of his findings himself. An assertively unbookish and self-reliant man, he has consistently neglectd the works of other observers (and stubbornly opposed USIA programs aimed at intellectuals). The only investigative method he knows and trusts is look and listen. This gives his reports 19th-century simpleness, as well as a certain rustic charm.

To each US post on his itinerary Ellender customarily sends an advance questionnaire. (Only the CIA is spared; a member of the Congressional group that ostensibly oversees the CIA, he treats the agency tenderly and, one gathers, confines himself overseas merely to asking whether CIA and State Department political reporting overlap). Upon arrival at a post, he checks out the questionnaire. Prevented once from debarking in Tanganyika (for having remarked at an earlier stop that "I have yet to see any part of Africa where Africans are ready for self-government"), he summoned American diplomats to the boiling airplane in which he was penned and grilled them until takeoff. His energy is fantastic—"when I get interested in something I don't stop." He sits up late at night making jottings in tiny notebooks which he pouches back one by one for transcribing. He writes his own reports, including as appendices in agate type the copious data furnished him on, for instance, "Project 02–18–041. To assist in increasing the snapper catch, a US fisheries adviser is spending two months in [then-British] Guyana demonstrating modern snapper fishing aids."

Ellender prose has the sophistication of a seed catalogue. He discovers water in the canals of Venice; "I was told," he reports, that "there is very little free love in Russia." He is square and unselective: "The worker using a huge knife cuts the macaroni into 8-inch lengths." "Ceylon," we learn, "is a small island located near the southern tip of India;" chez Chiang Kai-shek, "the Chinese food served was the best I have ever tasted." But there is an impressive amount of hard information and interesting observation. The wheat, to be sure, comes unseparated from a great deal of chaff, some diverting, most tedious: In Sudan, "I have never witnessed such cruelty to animals in my life. Huge sticks, cut from green acacia trees, were used to beat the cattle." In Haiti, "I sampled four different kinds of tropical fruit that he uses in ice cream. All were delicious, except one; I did not think much of avocado puree for ice cream."

His first published report, on his 1956 trip, bore the title "Report on Overseas Operations of the United States Government." He has since visited every American mission. His interest has expanded to cover foreign aid, propaganda, military activities, diplomacy and overall policy. At the same time he has kept up surveillance of embassy administration, perusing (and publishing) titles of all publications subscribed to by each USIS, listing each vehicle in the embassy motor pool, inquiring after rent and car cost, demanding justification for each employe and expenditure. Ellender has a copy of a memo, stamped "Confidential," in which the Army's Assistant Chief of Staff advises 22 attachés on the Senator's 1957 itinerary to restrict the release of information and report immediately ("air pouch") on his visit.

At his worst an insensitive lintpicker, at his best Ellender rummages beyond a hunt for waste and duplication into a kind of political and economic cost-efficiency analysis. Over the years he has developed a keen sense of how programs proliferate, often by feeding on each other, until the dimensions of the American presence can scarcely be measured, let alone controlled. For example, in Guatemala in 1957 he found USIS spending two-thirds of its resources selling the aid program: ". . . unconscionable . . . to expend such a great effort in trying to tell the people that the foreign-aid program is going to solve their problems. Nothing could be further from the truth." In Japan a year earlier, he found that US "planners" (generally "eager") had imprudently undertaken a protein project specifically rejected by the Japanese parliament and that the US information program had then been turned to counter the resultant bad publicity.

A few months ago, the Senator reported that the presence of military assistance advisory groups (4,056 officers and men in 48 countries) often "marks us as warmongers." "I am convinced," he complained, "that the personnel attached to these military missions are instrumental in influencing host governments to build up their armed forces and weaponry at our expense." Earlier he had contended that MAAGs were not wanted in some Latin countries "but we seem to persist in remaining there." He illustrates the breadth of the American presence in one country, Japan, by listing the agencies represented there besides State: Atomic Bomb Casualty Commission, AEC, Agriculture, Bureau of Reclamation, Defense (embassy attaches and non-embassy advisers), FAA, Foreign Broadcast Information Service, General Accounting Office, Immigration and Naturalization Service, Maritime Administration, National Institutes of Health, National Science Foundation, Trade Center, Treasury, Customs, Travel Service, Information Service, Internal Revenue Service, and Library of Congress.

The concern over far-flung and far-reaching national "commitments" which many Americans have evinced since the Vietnam war is old hat to Ellender. He has worried about the open ended nature of some formal agreements and about their subtle revision by events. "Unless we make it clear to the Government of the Philippines that our mutual security program is not a long-range effort, we may find ourselves placed in the position of being compelled to maintain the program in order to fulfill at least moral commitments made by our officials in the field," the Senator wrote in 1956.

Visiting Vietnam in that year (1956), Ellender was informed by U.S. officials that a new agrarian reform code "demonstrates in the village the [Vietnamese] Government's concern for rural people." Ellender concluded that "our aid effort here, instead of being directed to activities designed to raise living standards, is being used to fill the coffers of the Vietnamese Government." The United States, he found, was supporting "a rather large information and propaganda program on behalf of the Government of Vietnam . . . another indication of the scope of our activities and the extent to which we have shouldered the burden of purely local governmental functions." Returning in 1961, he wrote: "My fear is that the cry of 'communism' is being used to pull our leg. . . . The people in [anti-Diem] areas permit, in fact invite, I was told, some infiltration from the north in order to strengthen their opposition to Diem. In Saigon, also, there are many dissidents who do like President Diem's tactics in administration. . . . It is my belief that much of the trouble stems from within. . . . Boiling discontent threatens to erupt at any moment. . . . Some feel that we should send American troops here. I would not do so under any circumstances."

Periodically, Ellender stubbed his toe. He found "great progress" in Trujillo's Dominican Republic. In Haiti, "despite the filth, the people seem happy and content." South Africa's Verwoerd was "thoroughly realistic." Very often, nonetheless, he picked up the scent of danger—corruption in Rhee's Korea, American military influence in Greece, landholding anachronisms in Ceylon, regionalism in Nigeria.

For its proximity and resources Ellender has always deemed Latin America of first importance. Anticipating the Alliance for Progress, he recommended in 1958 that the US condition its loans on tax reform and "compel" American businessmen to pay fair wages, limit profits and participate in development. More distant distress moves him less. He was ready to write off India until he spotted last year some bootstrap progress—made in part, he submits, in response to his own arms-first spur. (Ellender has never hesitated to offer technical and political advice to world leaders, but generally holds that it would be inappropriate to claim credit when policies he has recommended pay off.) Africa strikes him as unsuitable for major American aid, because of its shortage of trained cadres on the one hand and its access to European help on the other—a judgment he made long before it silently became American policy.

The Senator has toured the Soviet Union five times. The mayor of Omsk threw him a 67th birthday party in 1957. I happened across his tracks in 1962 at a Volga dam whose chief engineer was positively bubbling over him. Once, denied use of an embassy phone by Ambassador Bohlen "because of strict objections at the Washington level," he strode out to the street, dialed the Kremlin from a pay phone, and almost instantly got an appointment with Mikoyan. ("I asked Mikoyan how General Zhukov was making out as a member of the Presidium. . . . He smiled. He said the general was a fine man and was doing well for his country. This on September 9, 1957, barely a month before Zhukov's ouster!") Ellender has expounded dutifully on the struggle between "state socialism" and "free enterprise." Nevertheless, he concedes that "communism has brought a new way of life to a people once left far beyond progress." His earlier desire to "demonstrate that communism cannot hold a candle to democracy in furthering the cause of individual freedom or bringing a better way of life" has not been abandoned. But it now must share room in his mind with his very direct and "Russian" interest in peace.

Until he met simple Russians on the street, Ellender confesses, he had obediently accepted the cold-war premises and budgets of successive Presidents. But in 1955, he says, "I went to Minsk, Orel, Odessa, Volgograd. The damage there from the Germans was useless, wanton. If only you were to *see* it." It hit him that the United States had deeply alarmed Russians by creating NATO, re-militarizing Germany and building a "ring" of bases and clients around the Soviet Union. The way to dispel the Russian people's fear, he determined, was to pursue an active detente policy and to communicate directly with the people through unslanted radio broadcasts and extensive personal exchanges. Ellender recalls a moment at Yalta when a crowd gathered around him, "looked at my clothing, stroked my suit, they were amazed." The people's envy, he reasoned, would put pressure on their leaders to conduct more moderate policies. He takes the general run of Soviet development since then, on both the foreign and domestic sides, as validation of this idea.

Harry Truman's picture has the place of honor among the hundreds on Ellender's office walls, yet he blames Truman, though not alone, for engraining "the spending habit." In the heat of the Korean War, he wrote, Truman made the fateful post-Marshall Plan decision to give the "wonder drug" of American money to "the rest of the world," diverting spending from economic to military channels and then involving the United States practically everywhere in the name of "mutual defense" against communism. "The marriage between our Departments of State and Defense, which occurred during and soon after World War II, has been subverted. The leadership was allowed to pass to the Defense Department." Right or wrong, this analysis is astonishingly Fulbrightian, and that of many who wouldn't be caught dead agreeing publicly with Allen Ellender.

This is nothing to him. His views are his own. To the American diplomat who had escorted him to see Mikoyan, Ellender said: "The trouble with you ——— diplomats is, you have a chip on your shoulder. You see something good in Russia and you pass it over, you see something bad and you criticize. My approach was objective and that's why Mikoyan helped me." In his last report he wrote: "I can personally recall hearing a member of the Joint Chiefs of Staff tell me that nothing had changed in the quality of Russian life, that no decentralization or loosening of any controls had taken place over the last two decades. The spokesman admitted that he had never been inside Russia. It seems to me that we have as much to fear from ignorance, prejudice, selfishness, and bias in our own Nation as we have from a similar condition on the part of the Russian leadership." That in sum is what Allen Ellender has learned in 20 years of globe-trotting.

The collected works of Allen J. Ellender have appeared as Senate Documents: No. 31, 85th Congress, 1st Session, Report on Overseas Operations of the US Government, March 4, 1957; No. 78, 85th, 2nd, Review of US Foreign Policy and Operations, Feb. 13, 1958; No. 20,* 87th, 1st, Report of US Government Operations in Latin America, Feb. 19, 1959; No. 20,* 87th, 1st, Report on US Foreign Operations, March 15, 1961; No. 73, 87th, 2nd, Report of US Foreign Policy and Operations, March 1, 1962; No. 8, 88th, 1st, Report on US Foreign Operations in Africa, March 23, 1963; No. 18,* 90th, 1st, Review of US Government Operations in Latin America, April 5, 1967; No. 77,* 90th, 2nd, Review of US Government Operations in South Asia, April 5, 1968; No. 91–13,* 91st, 1st, Review of US Foreign Policy and Operations, March 26, 1969.

The starred documents are available at no cost from the Senate Document Room, Washington, D.C. 20510.

## GOLDEN SPIKE HIGHWAY, UTAH

Mr. MOSS. Mr. President, on September 26, I wrote Secretary of Transportation Volpe, requesting that a portion of Interstate Highway 15 in Utah be named the Golden Spike Highway. This request was made because of the successful Golden Spike Centennial Celebration which was held in Utah on May 10 of this year.

Secretary Volpe was the main speaker at that celebration, and he knows first-hand the importance the celebration has had and will continue to have for the tourist industry of our State.

The Utah news media has overwhelmingly endorsed the idea, and has given its support to it. Three daily newspapers have editorially commented on the proposal.

I ask unanimous consent that three editorials, published in the Deseret News, the Ogden Standard-Examiner, and the Provo Daily Herald be printed in the RECORD.

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

[From the Deseret News, Oct. 1, 1969]

A GOLDEN SPIKE ROAD

When the centennial of the driving of the Golden Spike was observed last May, Utah gained some valuable attention all over the country.

But since then, most Americans have forgotten about the spot where the rails joining the East and the West were "wedded."

That's a shame, since there's still much at Promontory Summit and the visitors center there to interest visitors to Utah, particularly those who still thrill to railroading's romantic past.

To keep capitalizing on the Golden Spike celebration, the Utah Travel Council and others suggest the Interstate 15 from Ogden to the Idaho border be named the Golden Spike Highway. Senator Frank Moss is urging Secretary of Transportation John Volpe to go along with the idea.

As Senator Moss observed, naming of this section of I–15 the Golden Spike Highway would enhance efforts to attract tourists and new industry. We second the motion.

[From the Ogden (Utah) Standard-Examiner, Sept. 30, 1969]

INTERSTATE 15: GOLDEN SPIKE HIGHWAY

It would certainly be appropriate if the name "Golden Spike Highway" would be officially placed on Interstate Highway 15 in Northern Utah when the final segment in Weber County is opened later this fall.

Sen. Frank E. Moss, in a letter to Transportation Secretary John Volpe, has asked for official approval of the plan.

Secretary Volpe was the principal speaker on May 10 at the Golden Spike Centennial Celebration at Promontory Summit.

We know, from talking with him that day, that the secretary was certainly impressed by our area.

He had flown from the East in a government airplane, then hopped to Promontory by helicopter.

"I had no idea," he said, "that this country was so beautiful, as well as so steeped in railroad history. I expected, in coming to Utah, to see nothing but desert. I'm certainly surprised."

Sen. Moss suggested that the "Golden Spike Highway" be used for the stretch of Interstate 15 from Ogden northward to the Idaho border.

We would go a bit further.

The 30 miles of Interstate 15 in Davis County should be included, too.

By designation of the Utah Travel Council and Gov. Calvin L. Rampton, the four counties of Davis, Weber, Box Elder and Morgan have been grouped together as the Golden Spike Empire for tourist promotion purposes.

Authorities of the four counties have been discussing a formal organization. This effort was spurred last week when the Brigham City Council and Box Elder County Commission hosted a dinner in Ogden to talk over mutual plans for the future.

It was agreed then that Antelope Island and the new Great Salt Lakes State Park would share honors with the Golden Spike National Historic Site as the primary attractions in our area. The century-old railroad construction sites in Weber Canyon—beside Interstate 80N, which will join Interstate 15 in Riverdale—will also play on eventual role.

All these development programs make the designation of Interstate 15 as the Golden Spike Highway a natural. Secretary Volpe, we're confident, will lend a sympathetic ear to Sen. Moss' suggestion.

[From the Provo (Utah) Daily Herald, Oct. 1, 1969]

PROPOSED GOLD SPIKE HIGHWAY

Utah's drive to increase tourism in the state would receive a publicity boost if a move to designate a "Golden Spike Highway" is successful.

Under the move initiated by the Utah Travel Council and various citizens the Interstate Highway 15 from Ogden north to the Idaho border would be named the Golden Spike Highway.

Following up on the suggestion, and with Gov. Calvin L. Rampton also behind the proposal, Sen. Frank E. Moss has asked Secretary of Transportation John Volpe for permission to attach the Golden Spike designation to the Ogden-Idaho Border segment of the highway.

"We are seeking ways to continue to capitalize on the Golden Spike celebration in promoting the tourist attractions, not only for the entitre state, but especially the areas of Ogden, Brigham City, Tremonton and Promontory," Sen. Moss wrote.

Interstate 15 which runs north and south through Utah, passes within a few miles of the Promontory Summit, where the transcontinental railroad link was forged May 10, 1869.

The Herald believes there is merit in the proposal Sen. Moss has presented to the secretary of transportation. But why not extend the publicity to the whole state and name the entire Interstate 15 through Utah the Golden Spike Highway?

It's an idea which, we believe, would warrant discussion and consideration.

## THE OCTOBER 15 MORATORIUM

Mr. PERCY. Mr. President, I invite the attention of the Senate to a statement issued on October 10 by Robert A. Goldwin, dean of St. John's College in Annapolis, Md., regarding the stand taken by his institution on the October 15 Vietnam moratorium.

Dean Goldwin was long associated with the University of Chicago, where he made a major contribution in dealing with contemporary problems. His statement appears to me to be one of moderation and reason as regards the role of the educational institution in the moratorium and the role of the student body.

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

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

STATEMENT BY ROBERT A. GOLDWIN, DEAN, ST. JOHN'S COLLEGE COMMUNITY, OCTOBER 10, 1969

As you all probably know, October 15 has been designated as a day of Moratorium, at which time many people throughout the nation intend to demonstrate their opposition to United States policy in Vietnam. Some tutors and students have asked me about the position of the College with regard to the Moratorium. The purpose of this letter is to express my understanding of the matter.

Some tutors have told me that they plan to observe the Moratorium by not attending their classes on October 15. In conversation with them it became clear that their demonstration against United States policy in Vietnam was in no way meant as a demonstration against St. John's College. They assured me that they would explain this to their students. In most cases, these tutors

also plan to make up the lost time by holding classes on some later day.

I wish to assure students who intend to participate in the moratorium that absences for the purpose will be excused. I urge such students to make arrangements with their tutors or one of the Assistant Deans, in advance of October 15. No student who makes arrangements in advance will be penalized or punished in any way for absence on that day.

The position of the College is based on the fact that we are an educational institution: as an educational institution we take no sides whatever on controversial political issues. On the other hand, every individual member of this community is completely free to take whatever political position he wishes. When he does so, as in the present case, he acts as an individual and not as a spokesman or representative of this college.

In my opinion it is especially important in time of conflict and dissension that there be institutions that maintain a stance of dispassionate impartiality. I firmly believe that the refusal of the College as to take a stand on controversial issues is the foundation of the extraordinary freedom that exists within this college for individuals to express any political opinion they believe in. We refuse to take a collective, institutional stand not because we do not care, but because we are committed to the preservation of the conditions under which entirely free inquiry may take place.

It is clear to me that the range of political opinions on this campus, among faculty and students, is very great. No one can speak for all of us when he takes sides on any controversial issue. But on one point, I think, we can all agree: whenever any of us expresses a political conviction, the College has the right to expect it to be stated clearly, argued reasonably, and defended honorably. As long as this is the case, St. John's College will continue to serve as a model to the nation in this respect as in many other respects.

## TAX REFORM ACT OF 1969—ACTION OF THE COMMITTEE ON FINANCE

Mr. LONG. Mr. President, on Friday, October 10, the Committee on Finance acted in executive session on a number of provisions of the Tax Reform Act of 1969, H.R. 13270, including the maximum tax on earned income, the tax on deferred compensation, the 6-month holding period on capital assets, and the repeal of the 7-percent investment tax credit.

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. 10, 1969]

COMMITTEE DECISIONS, TAX REFORM ACT OF 1969

Senator Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee had taken the following action in executive session on H.R. 13270, the Tax Reform Act of 1969.

*50 Percent Maximum Tax on Earned Income.*—The Committee agreed to delete Section 802 of the House-passed tax reform bill. This provision would have reduced the maximum tax on earned income from 70 percent (77 percent with the surtax) to 50 percent.

This action removes the distinction created by the House bill, based on the source of income, and increases the revenue to be gained by the bill by $200 million in 1970.

*Deduction for Gasoline Tax.*—The Committee decided *not to approve* an administration suggestion that the Federal income tax deduction be disallowed in the case of State and local gasoline taxes. Before the Committee acted, the Treasury Department modified its original suggestion so that those who commute not more than 10 miles per day could continue to deduct the State and local tax paid on the gasoline they purchase to travel to and from work. As already reported, the Committee rejected this suggestion.

*Capital Gains Holding Period.*—The Committee agreed that it would retain the provision in present law which requires taxpayers to hold a capital asset for 6 months if the gain from the sale of the asset is to qualify for favorable capital gains tax treatment. In taking this action, which was recommended by the Treasury Department, the Committee rejected the feature which would have extended the holding period to one year. The Committee did not act on the provision to repeal the maximum capital gains rate of 25 percent.

The Treasury Department indicated that there was some question as to whether the extension of the holding period would increase revenues by the $150 million they had previously estimated. They indicated that on reconsideration they felt the revenue increase estimated under the House bill might not be nearly so large.

*Deferred Compensation.*—The Committee agreed to delete the provision of the House bill (Sec. 331) which would have imposed a tax on amounts received as deferred compensation based on the rates which would have been applied if the deferred amount had been received in the year in which earned. This action carried out a recommendation made by the Treasury Department.

*Investment Tax Credit.*—The Committee agreed that the rules in the House bill for repealing the 7 percent investment tax credit would be modified to conform to the Committee's previously announced decisions (of September 19, 1969) with respect to the repeal of the credit. In addition, the Committee made one change in its September 19 decisions.

This single change related to the special transitional exception for railroad rolling stock. Under the prior announcement this exception was to apply to all "rolling stock." Under the Committee's decision of today, this exception *is not to apply* to locomotives (other than passenger train locomotives), flat cars, or railroad cars for the hauling of automobiles.

## OPERATION INTERCEPT

Mr. MONTOYA. Mr. President, there is no doubt that the objectives of the administration's program "Operation Intercept" to diminish and prevent the flow of narcotics and dangerous drugs from Mexico to the United States is worthwhile.

I am aware of the fact that a Presidential task force strongly urged the United States to undertake a major law enforcement effort along the United States-Mexico border. I am told scores of border crossing points have been established where small independent groups of smugglers transport drugs into the United States by airplane, helicopter, automobile, and boats. The demand for drugs is rapidly increasing inside the United States, and of course unfortunately, smuggling is increasing, also. Everything one reads these days indicates the seriousness of the narcotics and dangerous drug problem in the United States, especially among our youth.

According to a Department of Justice spokesman, Mexico officials agreed to cooperate in implementing Operation Intercept. However, the tremendous negative effect this operation has had on the overall economy along our borders seems to indicate that despite the justification for such an enforcement plan the United States neglected to accurately assess the impact on tourism, commerce, and our overall United States-Mexico relations. Furthermore, it seems the administration failed to accurately assess the amount of money and manpower required for such a large scale enforcement program.

The United States should provide the necessary personnel and funds, and the needed up-to-date equipment and facilities to improve the inspection program and allow for a free flow of pedestrian and vehicular traffic. The people living along the border areas have been upset, and justifiably so, by the effect this law enforcement activity has had on industry, commerce, and tourism. In addition the residents have suffered many personal inconveniences, such as long traffic delays and repeated customs inspections.

The U.S. Government should immediately take whatever action is necessary to reduce the inconvenience to law abiding citizens in the area with appropriate assurances and action. Equally important, the United States should act to relieve any strain in our relations that developed with Mexico as a result of this enforcement plan.

The joint communiqúe issued by the United States and Mexico Governments is a step in the right direction. Operation Cooperation as it is now called, and the revisions promised in the operation, hopefully will help to renew our close working relationships with the Mexican people. The communique states that the Mexican Government plans to step up their enforcement activities along the border. I am very much pleased by this development and look forward to the results of the late October talks, which should eliminate whatever communications and policy gap remains between the two nations.

## STATEMENT BY RAND CORP. STAFF MEMBERS FAVORING TOTAL WITHDRAWAL OF U.S. TROOPS FROM VIETNAM WITHIN 1 YEAR

Mr. GOODELL. Mr. President, six staff members of the Rand Corp., all of whom have done research on Vietnam for the Federal Government, have urged that the United States completely withdraw its forces from Vietnam within 1 year.

Their proposal—for complete disengagement within 1 year—is one with which I am in total agreement.

On September 25, I introduced the Vietnam Disengagement Act (S. 3000) that would require such complete withdrawal within 1 year.

The Rand Corp. is one of the oldest and most respected research institutions organized to study problems of national security. The Rand staff members who have made this proposal have made extensive studies for the Pentagon on the war in Vietnam, on subjects ranging

from the effectiveness of bombing North Vietnam to interrogation of enemy prisoners.

It is extremely significant that men with such expertise—men who normally shun publicity—have urged this withdrawal timetable. It is another piece of evidence that swift disengagement from Vietnam is the only policy that makes sense.

The Senator from California (Mr. CRANSTON) has already placed in the RECORD, on October 9, a New York Times article on this proposal.

On Sunday, October 12, the Washington Post published a letter written by these six Rand staff members, setting forth the reasons for their withdrawal plan. It is one of the most cogent pieces of reasoning I have read on why it is essential that the United States disengage its troops from this terrible war within the next year.

Mr. President, I ask unanimous consent that the text of this letter be printed in the RECORD. I also ask unanimous consent that an article written by Joseph Kraft on this proposal, which was also published in Sunday's Washington Post, be printed in the RECORD.

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

A CASE AGAINST STAYING IN VIETNAM

*To the Editor, the Washington Post:*

Now that the American people are once again debating the issue of Vietnam, we desire to contribute to that discussion by presenting our own views, which reflect both personal judgments and years of professional research on the Vietnam war and related matters. We are expressing here our views as individuals, not speaking for the RAND Corporation, of which we are staff members; there is a considerable diversity of opinion on this subject, as on other issues, among our Rand colleagues.

We believe that the United States should decide now to end its participation in the Vietnam war, completing the total withdrawal of our forces within one year at the most. Such U.S. 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.

It is our view that, apart from persuasive moral arguments that could lead to the same conclusion, there are four objections to continued U.S. efforts in the war:

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.

2. Past U.S. promises to the Vietnamese people are not served by prolonging out 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 the outcome.

3. The importance of the U.S. national interest of the future political complexion of South Vietnam has been greatly exaggerated, as has the negative international impact of a unilateral U.S. military withdrawal.

4. Above all, the human, polictical, 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.

The opponent's morale, leadership, and performance all evidence his continuing resiliency, determination, and effectiveness, even under extremely adverse conditions (in no small part because of his conviction that he fights for a just and vital cause). Estimates that the opponent's will or capacity (in North or South Vietnam) is critically weakening because of internal strains and military pressures are, in our view, erroneous. Even if a new strategy should produce military successes in Vietnam, substantially reduce U.S. costs, and dampen domestic opposition, Hanoi could not be induced to make any concessions (e.g., cease-fire or mutual withdrawals), so long as they 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.

Our participation in the war will also be unjustifiably prolonged if we tie total withdrawals to basic changes in the policies and character of the South Vietnamese government. The primary interest of the present Saigon leadership is to perpetuate its status and power, and that interest is served not by seeking an end to hostilities through negotiations but only by continuing the war with U.S. support. Their interest is thus directly opposed to ours. For the same reason, the present Saigon government is not likely to seek the long-awaited improvements and "broadening" of its base. The United States should not obstruct favorable political change in Saigon by unconditional support of the present regime. Yet, we believe, the United States should in no way compromise or postpone the goal of total withdrawal by active American involvement in Vietnamese politics. Such interventions in the past have only increased our sense of responsibility for an outcome we cannot control.

Our withdrawal might itself produce the kinds of desirable political changes in Saigon that the U.S. presence seems to have inhibited, including the emergence of a cohesive nationalist consensus; and it might give better focus to our alliance relationships elsewhere in the world by bringing our Vietnam policy into line with the President's declaration in Guam on the limits of our partnerships.

As for global U.S. interests, the original rationale for a large scale U.S. military effort in Vietnam—the prevention of proxy victories by the USSR or Communist China—has long since been discredited. 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. We do not predict that only good consequences will follow for Southast Asia or South Vietnam (or even the United States) from our withdrawal. 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.

DANIEL ELLSBURG.
MELVIN GURTOV.
OLEG HOEFFDING.
ARNOLD L. HORELICK.
KONRAD KELLEN.
PAUL F. LANGER.

SANTA MONICA, CALIF.

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BREACHING THE CODE—RAND ANALYSTS' PROTEST ON VIETNAM RAISES BASIC QUESTION OF RESPONSIBILITY

(By Joseph Kraft)

SANTA MONICA, CALIF.—When six analysts from the Rand Corp. drop their slide rules and open their mouths to protest about Vietnam, something important has happened.

For the Rand protest, expressed in letters to the editors of The New York Times and The Washington Post, goes beyond the issue of Vietnam to the central moral problem of American public life. It raises the question of the responsibility borne by officials and analysts for the actions and policies of the governments they serve.

Rand, which has its headquarters in Santa Monica, is one of the oldest and most professional of the research institutions set up by the government after World War II to analyze problems of national security. It derives about 75 per cent of its annual budget from the Department of Defense. It does extensive work with classified material. It has recently begun to do a series of special studies for Henry Kissinger and the National Security Council. Its existence depends on having funds from, and good relations with, the federal government.

In the past, Rand analysis have repeatedly questioned prevailing government policies behind closed doors. Individual Rand staff members have participated in public discussions. But the six men involved in the present letter—Daniel Ellsberg, Melvin Gurtov, Oleg Hoeffding, Arnold Horelick, Konrad Kellen and Paul F. Langer—go way beyond the tradition. For they speak out as a group in direct opposition to a government policy which they had not before challenged. They published their letter over strong opposition from some of Rand's chief executives. And they did so at some risk to their future careers.

The basic argument on Vietnam unfolds in three stages. The first point is that Washington has committed itself to a Saigon regime that does not want peace. As the letter says: "The primary interest of the present Saigon leadership is to perpetuate its status and power, and that interest is not served by seeking an end to hostilities through negotiations but only by continuing the war with U.S. support."

The second point is that the other side cannot be made to negotiate on Saigon's terms. The letter says: "Even if a new strategy should produce military successes in Vietnam, substantially reduce U.S. costs and dampen domestic opposition, Hanoi could not be induced to make any concessions—so long as they implied recognition of the authority of the Saigon government."

The argument concludes with the proposition that, since the United States cannot bring either Hanoi or Saigon to negotiate, this country's best option is to walk away from the war. The letter says: "We believe that the United States should decide now to end its participation in the Vietnam war, completing that total withdrawal of our forces within one year at the most."

There is nothing shocking in these views. They are shared by many high officials in this and previous administrations. What is remarkable is that only a handful of those who have come to believe these ideas have said so in public.

Most have suppressed their true beliefs. They have preferred to play inside politics. They have subscribed to the basic Washington mystique that fidelity to a President transcends fidelity to convictions on even the most critical issues. They have followed the code of the apparatchik.

The Rand letter is chiefly important as a repudiation of the apparatchik code. The public protest breaches the bureaucratic tradition of mute service even when policy conflicts with conscience. And that crack in the old mystique requires a rethinking in two areas.

For one thing, the federal government is going to have to develop a more open policy in its relations with outside sources of expertise. The days are gone when good men, with an implicit faith that the United States was on the right side of the Cold War, signed up to do unquestioning research for the national security establishment. If the govern-

ment wants to have the advice of good men, it is going to have to accept a wide range of questions about basic policy objectives. There is going to have to develop between Washington and the analysts much more of a give-and-take relation.

Conversely, a new obligation is imposed upon those disposed in the past to damn anybody with close ties to the government. Out of that shallow practice there have come sweeping attacks on many institutions doing work for government. But the fact now made manifest in the Rand protest is that these institutions are not uncritical mouthers of a monolithic line. They are not Dr. Strangeloves writ large. And thus, more than ever, there is an obligation on those of us with doubts about the government policy not to suspend our disbelief but to be careful, selective and discriminating in criticism.

## REGIONAL AIR SERVICE PROJECTED IN ANALYSIS BY EDWIN I. COLODNY, VICE PRESIDENT OF ALLEGHENY AIRLINES

Mr. RANDOLPH. Mr. President, for many, many years I have endeavored to promote the value and importance of local service air carriers in the development of our national transportation networks. The regional carriers perform a vital function in bringing commercial air service to smaller communities throughout the United States. It is my firm belief that they will exercise an increasingly vital role in the future. The citizens of West Virginia are deeply interested in and concerned with the progress and advancement of local service carriers. We are served by Allegheny Airlines and Piedmont Airlines. The interstate and intrastate operations of these carriers are important to the traveling public and shippers of our Mountain State.

Edwin I. Colodny, executive vice president of legal affairs and marketing services for Allegheny Airlines, presented a thought-provoking paper at the International Symposium on Air Transportation in Nashville, Tenn., on August 21. His analysis, "Regional Service in the 1970's," outlines the service of local carriers to the traveling public and projects future developments in the next decade. Mr. Colodny cogently analyzes many of the complex problems to be faced and resolved if regional carriers are to continue their growth and to meet increased travel demands for smaller communities and lower density market areas.

I feel that his comments should be brought to the attention of Members of Congress who will be involved in the development policies and programs under which local service carriers operate.

Mr. President, I ask unanimous consent that the paper entitled "Regional Service in the 1970's" be printed in the RECORD.

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

REGIONAL SERVICE IN THE 1970'S

(By Edwin I. Colodny, executive vice president, legal affairs and marketing services, Allegheny Airlines, Inc., Washington, D.C., August 21, 1969)

The name of the product is travel. The local service carriers—nine in number—sold 22 million persons over $400 million worth in 1968. An additional $30 million in non-passenger service—cargo and mail was also dispensed.

A decade ago—1958—only 4 million passengers were carried by the locals, with commerical revenues totaling $62 million.

To accomplish this impressive record, the local service industry has expanded both the quantity and quality of its service: cities served increased from 420 to 558; points served exclusively by the locals increased from 207 to 289; population served increased from 110 to 141 million; available seat miles increased five-fold; investment in modern equipment has replaced obsolete piston aircraft; total assets increased from $56 million to $800 million.

The federal government has fostered development of the local service industry through two major policies: route grants which have authorized more service at cities large and small; subsidy payments to support services at the smaller cities.

The local service industry, by the end of 1968, dramatically decreased its dependence on federal subsidy—from over 50% of commercial revenues in 1958, to less than 10% of commercial revenue in 1968.

Yet this growth has not produced a level of earnings adequate to produce a consistent reasonable return on investment.

There are some, both within and without the industry, who are pessimistic with regard to the regional carriers' future. Speculation centers around mergers with trunklines as the only long-range solution, or sharp increases in subsidy, or take-overs such as the Hughes-Air West transaction.

While all of us share concern for the economic health of the regional carrier industry, in my opinion it would be a sad mistake if the pessimists were to carry the day, particularly if they were to influence regulatory policy in a way which would curtail, or terminate, those policies which are essential to structuring a sound regional air carrier system for the 1970's.

Let's have a quick look at the general economic trends which the experts project for the next decade: growth in population from 200 million to 226 million by 1980; growth in gross national product (GNP) from $865 billion in 1968 to $1.7 trillion by 1980; growth in personal consumption expenditures at a rate even faster than GNP.

Domestic air travel forecasts are equally optimistic. The ATA projects an average annual growth rate between 10 and 12%, producing a market of 177 billion revenue passenger-miles by 1975, and 300 billion by 1980.

Domestic cargo traffic is also projected to increase rapidly—from 1 billion ton-miles in 1965 to 6 billion by 1975, and 30 billion by 1980.

These projections are highly significant, because they indicate a continuing growth potential available to all segments of the industry—trunklines, locals, and all-cargo carriers.

Despite the impressive growth record of the regional carriers over the past decade, these nine carriers carried only 6.3% of the total domestic passenger-miles in 1968. This is about the same as Delta Air Lines' share of the industry. The trunkline growth in July was 875 million revenue passenger miles—50% greater than total local service traffic in the same month.

Despite a CAB program to strengthen the local carrier route system, its share of the domestic market has increased by only one-half of one percentage point between 1966 and 1968.

If the share goes no higher than 7% by 1975, the regional industry can expect to serve about 12 billion revenue passenger miles in that year, slightly more than double the 1968 level of 5.5 billion.

I believe our policy aim should be higher than this. *By 1975, the regional carriers should have a goal of 10% of domestic passenger-miles, with an average passenger trip of approximately 350 miles.* This should equate to some 50 million originating passengers, and 18 billion passenger-miles. This would mean a doubling of passengers, and a tripling of passenger-miles.

In addition, *the majority of the regional carriers should be operating without federal subsidy support by 1975.*

To achieve these goals, it is imperative that federal policy be in harmony with the objectives.

If the regional carriers are to become self-sufficient, subsidy-free operations, three things must occur, each of which is dependent on affirmative federal action:

(1) average passenger journey must increase significantly over the current level of 250 miles;

(2) access to a greater share of the denser markets must be provided; and

(3) very low traffic producing points should be served by smaller aircraft, or in some instances be eliminated from certificated status.

The high cost of short-haul air service is an accepted fact. Its cost characteristics are further aggravated by inflation, as well as traffic delays in certain major metropolitan areas. This is true whether the carrier be trunk or local.

It is essential, therefore that the *quality* as well as the *quantity* of air carrier growth be examined. The growth in air travel in many short-haul markets *must* be constrained.

The investment in aircraft required to provide increasing volumes of seats to serve many of these markets cannot be justified. Even more important, we cannot justify the use of our limited airport capacity at many cities for such travel. Many cities within a two to three hour drive of New York cannot look forward to better New York air service unless a successful V/STOL system makes an appearance.

Fortunately, we have developed a national system of interstate and defense highways. Some 28,000 miles of the 42,500 mile system are now open to traffic, 67% of the total. All but 2,000 miles of the remaining 14,000 is in process. $37 billion has been spent thus far to provide decent surface transportation. With the cost of short-haul air travel at such high levels, we should not attempt to maintain high growth rates in air travel over short distances where the highway system offers a reasonable alternative. As a matter of fact, the interstate highway system has drastically improved accessibility of many areas to alternative air service. Many small cities which are within one hour's drive of frequent service at another city's airport cannot compete with the airport having a full pattern of service to multiple destinations.

Concurrently with a restraining of the growth rate in short-haul travel, the federal policy should continue to provide the regional carriers with a larger share of the longer-haul markets. As noted earlier, a route strengthening program was commenced in 1966.

The CAB's route policy has permitted expansion of regional carriers in the past two years in two ways: 1) better markets by permitting competitive nonstop service in many dense short-to-medium-haul pairs of points; and 2) long-haul extension to major terminals, in order to provide new single-carrier services from intermediate size cities to their ultimate destinations.

Examples of these policies are the certification of Allegheny in several important Pittsburgh markets including New York. Boston, Chicago, Louisville, Nashville and Memphis; certification of Mohawk in several important Buffalo/Rochester/Syracuse markets; extension of Piedmont to New York and Chicago; extension of Ozark and Southern to Washington and New York; extension of Texas International to Los Angeles; and extension of North Central to Denver.

The advent of the highly efficient, passenger appealing family of twin jets such as the DC–9 and B–737 has made this new policy viable. The need for better service at many intermediate size cities can now better be met by regional carriers. The carriers have the equipment and the know-how. These markets, served without subsidy eligibility, are profit potential markets due to the density of traffic available and longer length of haul. The regional industry average length of haul increased from 210 miles in 1965 to 250 miles in 1968, with average passengers per mile increasing from 18 to 26. This is still a long way from the trunkline industry, which averaged 57 passengers per mile and a 753 mile journey in 1968.

There are many opportunities for further route strengthening for the regional carriers. The policy of the CAB should not only be continued, but accelerated, particularly in these situations where the issue is not whether to authorize a new carrier, but which carrier to select. The traffic potential reflected in all the forecasts, whether government or industry, indicates an ample ability to permit the regional carriers expansion without in any way impairing the financial integrity of the trunkline industry.

Looking ahead five years, it is not unreasonable to foresee regional carriers providing service at both east and west coasts. The considerations which supported the extension of Ozark from the mid-west to the east coast may well support extension from these same points to cities such as Los Angeles.

As a matter of fact, two carriers, Air West and Frontier, now serve border to border, and Ozark and Texas International are two-thirds transcontinental.

What about the other end of the spectrum, the low traffic generating points? What is their future in the next decade? As an industry, the regional carriers are extremely mindful of their responsibilities to the smaller cities of this country. Overall, the record is excellent. Service has been improved and expanded at most cities. But there still remain a large number of points which can be served only with heavy losses, and heavy subsidy in relation to the public benefit. As of the end of 1968, there were 74 domestic points receiving year-round service which generated 10 or less daily passenger enplanements. This is one out of six of the airports served. Less than 175,000 passengers—less than 1% of the industry total were boarded at these points. The average per departure was *less than three passengers.*

The question must be asked—does the policy of the Federal Aviation Act require a scheduled certificated service at all of these points? Is it in the public interest to impose this burden on the balance of the certificated air transport system, whether such burden reflects itself in outright federal subsidy, cross-subsidization of such services by those which are profitable, or by fare policies which unduly hinder lower fares where they are economically warranted?

The answer to such questions is obviously neither easy to come by, nor necessarily uniform in applicability. But one point does seem obvious—we should not assume that service by a subsidized certificated carrier is necessarily the best way to meet the public need. The CAB has been re-examining the matter of service to lower traffic producing points. This should be applauded and encouraged for several reasons:

(1) this is a time for reviewing our national priorities, including those relating to all modes of transportation;

(2) at a time of economic tightness, it is essential that non-productive services be curtailed or eliminated, particularly where tax dollars are supporting such services;

(3) in some instances, the need for certificated service by a local service carrier has probably disappeared, due to such reasons as a decline in economic activity, or the impact of new highways;

(4) the air taxi/third level group of carriers are in a period of expansion, and to the extent that rational development and integration of such services into the national air transport fabric can be accomplished, it should be encouraged.

(5) Part 399.11(d) of the Board's Statements of General Policy encourages local service carriers to request suspension of service at points which are not generating sufficient traffic.

Allegheny has commenced on its own to implement a means of improving service at certain low traffic generating points, and at the same time eliminating the losses associated therewith.

It has long been apparent that larger aircraft such as the Convair and Fairchild series designed for markets which serve greater traffic flows could not be utilized to provide an economically viable service. It has also been apparent that the traditional segment type service, where the city is served as one of several points between major terminals, is not necessarily designed to provide adequate service at such cities. Frequency and timing of schedules are invariably a compromise when attempting to satisfy three, four or five points all on the same flight.

The Allegheny Commuter program attempts to harness the cost and service values of smaller aircraft under a program which substitutes the air taxi for Allegheny, but under definitive guidelines which relate to the quality and quantity of service, with Allegheny remaining identified with service to the community and providing certain resources and a measure of financial stability not otherwise available. Equally important, Allegheny retains the obligation to resume service at the community in the event the operator suspends service for any reason.

Since the initial experiment began at Hagerstown in October 1967, the Allegheny Commuter has been introduced at five other cities. As of May 1969, almost 50,000 passengers have been carried by Allegheny Commuter flights at these six points. No subsidy is paid for Allegheny Commuter services. And Allegheny's subsidy need has been reduced by $323,000 annually.

The CAB has favorably received this program. It should continue to encourage this, as well as other means of utilizing the air taxi segment as an integral part of the domestic industry. Such encouragement should include an early review of the present 12,500 pound limitation on aircraft. A better standard for the 1970's would be passengers instead of pounds. If the forecasts are near accurate, it is likely that air taxi operators will have to utilize aircraft with 20 to 25 passenger capacity within the next few years.

According to a spokesman for the third level carriers, 101 different carriers now serve 359 of the 538 cities listed in the *Official Airline Guide.* One hundred ten points are dependent on scheduled air taxi/third level service.

The industry, as well as the CAB, must be sensitive to any suggestion that the local service carriers are no longer interested in serving smaller cities. A review, such as is suggested here, should not be so interpreted, however. In some instances air taxis are already providing service in competition with the locals, and are in a position to offer adequate replacement service. In other instances, the interstate highway system is the competitor. Part 399 of the CAB's Policy Statements requires the carriers to act in those instances where service by a local carrier no longer appears warranted. The industry and the CAB should jointly accept responsibility for administering this policy in order to reduce unnecessary economic burdens on either the private or public sectors.

In summary, I believe that there is sound basis for confidence in the future of the regional carriers. With a projected growth from 150 million passengers in 1968 to 425 million by 1980, there is ample room for accommodating an expanded role for both the regional carriers and the air taxi/third level group without impairing the health of any group, including the trunk carriers. In the long run, market demand will provide a meaningful base for route policies which will permit economic self-sufficiency without federal subsidy support. The contribution of the air taxi group as part of the total regional air transport system will strengthen regional services in the next decade. It is important that national transport policy recognize the contribution which these carriers can make and encourage their growth in a controlled but positive environment.

Recognition of changing conditions in the needs of our population for air transportation is one of the great virtues of the regulatory concept embodied in the Federal Aviation Act. We have confidence that this will continue to be reflected in the administration of this Act.

## RAIL PASSENGERS AND THE RAIL CRISIS

Mr. PELL. Mr. President, it had often been said that consumers were the least organized and least represented group in the Nation. The appearance of Ralph Nader and the passage of former President Johnson's successful legislative program for consumer protection have somewhat offset those weaknesses.

Railroad passengers have for many years suffered from the same underrepresentation and disorganization which have beset the consumer in past years.

However, I believe that there are now a man and an organization capable of doing for the railroad passenger what Ralph Nader has done for the consumer. Mr. Anthony Haswell is that man, and the National Association of Railroad Passengers is that organization.

Since 1967, Mr. Haswell and the ever-increasing membership of the National Association of Railroad Passengers have been vigorously fighting for the maintenance and improvement of rail passenger service. Mr. Haswell and the National Association of Rail Passengers have presented their case to congressional committees and have argued persuasively before the Interstate Commerce Commission against the discontinuances of intercity trains. Their efforts deserve the commendation of the many Americans who believe that rail passenger service is a viable and economical mode of travel which should be encouraged by the Federal and State governments and continued by the railroads. As a member of the advisory board of the National Association of Rail Passengers, I am particularly proud of the fine work undertaken by Mr. Haswell and the association.

I ask unanimous consent that an article entitled "'Crank from Chicago' Fights Death of Passenger Trains," written by Stephen Aug, and published in the Sunday Star of September 28, 1969, be printed in the RECORD.

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

[From the Sunday Star, Sept. 28, 1969]

CRISIS ON RAILS: "CRANK FROM CHICAGO" FIGHTS DEATH OF PASSENGER TRAINS

(By Stephen M. Aug)

There are some segments of the railroad industry in which the name Anthony Has-

well is synonymous with "that crank from Chicago."

But to his supporters, several regulatory agencies and apparently a growing number of congressmen, Haswell appears to be offering one of the few rational approaches to one of the most highly emotional transportation problems to develop in years—solving the crisis of the disappearing passenger train.

As founder in 1967—and chairman of the National Association of Railway Passengers, Haswell has been leading virtually a one-man battle against the efforts of the multi-billion-dollar railroad industry to divest itself of its unprofitable passenger business.

Although the association, with about 3,500 members, now provides $15,000 to $20,000 a year in membership dues, Haswell—38-year-old bachelor heir to a Dayton, Ohio, department store fortune—has spent about $150,000 of his personal funds fighting his cause.

OPPOSES DISCONTINUANCES

He has taken active part in opposition to railroad attempts to discontinue such famed trains as the California Zephyr, City of San Francisco and the Sunset Limited. The Interstate Commerce Commission sought him out for its year-long study of the costs of railroad passenger service which resulted in a call to Congress for some form of help to preserve rail passenger service.

And, while the Association of American Railroads could persuade one senator and one representative to introduce legislation calling for federal subsidies for railroads forced to operate money-losing passenger trains, a measure strongly endorsed by Haswell's group found 13 cosponsors when Sen. Joseph D. Tydings, D-Md., introduced it in the Senate, and 18 cosponsors when Rep. Brock Adams, D-Wash., proposed it in the House. The measure would provide $195 million to the Department of Transportation over four years to buy new passenger equipment and lease it to the railroads.

CAUSE APPEARS POPULAR

This doesn't mean Haswell is a power to be reckoned with. Apparently it means he's fighting a popular cause.

It began when Haswell, as a young lawyer in 1959 at his first job with the Illinois Central Railroad law department, used to watch from his office window as trains came and went through the IC station.

"The New York Central Railroad used the IC station for its three train a day between Chicago and Cincinnati," he recalled in a recent interview. "Suddenly, across my desk came a notice saying it was applying to the Indiana Public Service Commission to discontinue all passenger service between Chicago and Cincinnati. I was shocked. It suddenly occurred to me that the railroads were trying to discontinue all their passenger service."

But the Indiana commission declined to permit the end of the Chicago-Cincinnati service, and now, 10 years later, Haswell is trying to stop the New York Central's successor—Penn Central—from eliminating the last train over that route, the James Whitcomb Riley.

Haswell resigned from his railroad job in 1963, served for a time the following year as a public defender in Cook County, Illinois, and since then has devoted full time in the railroad passenger's cause.

The chief villains, Haswell contends, are the Southern Pacific, Missouri Pacific and—with the exception of its Chicago-area commuter service—the Chicago & North Western. But he also has a "good-guys list:" Seaboard Coast Line; Atchison, Topeka & Santa Fe; Great Northern; Illinois Central and Southern.

Haswell contends that some railroads—like Penn Central—which have not tried actively to discourage passengers, have simply let their business drift away. "The passenger business has to be aggressively managed," he said, with continual advertising, well-maintained equipment, courteous personnel. "The moment you quit managing it, it's going to go to pot in a hurry and the costs will spiral. Most railroads have allowed this to happen.

"To put passenger service down the drain you don't have to take affirmative action. You just have to walk away from it—and this is what the industry has done."

Haswell believes there are three specific markets for long-distance trains:

1. Between such huge population centers as New York-Chicago and Washington-Chicago. "Two thousand people a day fly one-way New York to Chicago, while perhaps 100 to 200 take the train. I'm convinced that 10 percent of the people up there flying are there not because they want to be, but because the alternate service is unsatisfactory."

2. New York-Florida, Chicago-Florida. "What you have there are Florida vacationers. Unlike businessmen they have a great deal more time to themselves," he said. He contends Seaboard Coast Line has made the run profitable because it capitalizes not only on winter travel, but on summer-time low-priced package trips that keeps the trains full year-round.

3. Summer vacations on long Western runs. "The train travel itself is an integral part of the vacation in terms of viewing the scenery," he said. Haswell contends the western train service has to be trimmed to one train between Chicago and San Francisco, one between Chicago and Los Angeles and one between Chicago, the Twin Cities and Pacific Northwest.

He would also have somewhat less luxurious service between New Orleans and Los Angeles and Kansas City and the Pacific Northwest.

CALLED "A FANATIC"

There are those in the railroad industry who consider Haswell "a fanatic." One ranking railroad official said. "He has an uncritical belief in the preservation of passenger service—whether it's needed or not. He's a preservationist. He doesn't have a completely logical open mind."

On one thing both Haswell and the industry agree—passenger service is costing the railroad vast sums of money. "It is a serious economic situation, and we who want passenger trains must work for solutions.

Is there a future for the trancontinental passenger train? The industry says "no," because people don't want to spend the time or the money.

But Haswell says "the values—the usefulness—of the California Zephyr for example will not change in 20 years. They won't change as long as there's a railroad and the Rocky Mountains."

## OAKLAND, CALIF., URGES ENACTMENT OF SENATOR MURPHY'S URBAN AND RURAL EDUCATION ACT

Mr. MURPHY. Mr. President, I have been placing in the CONGRESSIONAL RECORD endorsements that I have received from across the country of S. 2625, the Urban and Rural Education Act of 1969, which I introduced on July 15.

Today, I am pleased to place in the RECORD a letter I received from my home State. Superintendent Benbow, of the Oakland Public Schools, said:

> Your description of the nation's troubled urban school systems is a very exact description of Oakland's school system. . . . I think I am not exaggerating when I say that the situation in Oakland is ominous and that the schools in their present weakened condition offer little hope for improvement.

Thus, Oakland is one of the troubled school districts of the Nation to which my bill is addressed. I ask unanimous consent that Superintendent Benbow's letter be printed in the RECORD.

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

OAKLAND PUBLIC SCHOOLS,
*Oakland, Calif., August 13, 1969.*

Hon. GEORGE MURPHY,
*U.S. Senate, Senate Office Building, Washington, D.C.*

DEAR SENATOR MURPHY: I have read with much interest and appreciation your address to the Senate on July 15, 1969, on the occasion of the introduction of the Urban and Rural Education Act of 1969.

You have most ably described the background and the urgency of the need and there is little that I can add except to say that your description of the nation's troubled urban school systems is a very exact description of Oakland's school system.

Superficially, one might say that a city such as Oakland should be able to help itself more effectively, but that time has passed. The very same conditions which have brought the schools to crisis have pretty well paralyzed the will of the community to help.

The citizens of Oakland are deeply divided in many ways and much of this seems to be centered on what to do with the schools. This situation has effectively defeated all efforts to raise locally the money that is necessary to rehabilitate the school program and to provide the highly specialized and expensive help needed for our very large number of disadvantaged children.

The state legislature has been unable to provide the help for the urban areas which almost everyone admits is needed.

I think I am not exaggerating when I say that the situation in Oakland is ominous and that the schools in their present weakened condition offer but little hope for improvement.

Please be assured that we deeply appreciate your efforts on our behalf and will do all we can in support.

Respectfully yours,

SPENCER D. BENBOW,
*Acting Superintendent.*

## DEVELOPMENT OF SOVIET NAVAL STRENGTH

Mr. JACKSON. Mr. President, one of the crucial questions facing America today is the adequacy of our defense. For the past decade our first line of deterrence has been our Polaris submarine fleet. In recent years the Soviet Union has made significant progress in developing its naval forces, particularly those which could be used to counter our Polaris force or which increases their sea-based striking power. As a part of their program to surpass the United States, they are continuing to produce newer and better nuclear submarines.

The Soviet Union's nuclear power submarines, which used to be content to stay close to Europe and Asia, are now moving increasingly closer to our shore. Elements of their surface fleet just recently cruised off the beaches of Cape Kennedy on their way to Havana.

In an interview recently, Russian Admiral Sergeyev stressed the increased power of the Soviet naval fleet. He said that the creation of a powerful Soviet navy had its beginnings under Lenin. Then the admiral recalled an old song:

> Over all oceans, over all countries, we unfold the red banner of labor.

Admiral Sergeyev added:

> What was a dream then, now has become reality.

The United States must heed these bellicose warnings; to ignore them is an invitation to disaster. In this connection, I ask unanimous consent to have printed in the RECORD an editorial which calls attention to statements by Secretary of Defense Laird and by Admiral Rickover that advances by the Soviet Union threaten our retaliatory capability. The editorial was published in the Norfolk, Va., Ledger-Star, August 30, 1969.

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

COUNTERING THE MISSILE SUBS

Twice in recent months, intimations have come from knowledgeable American officials that the missile-carrying submarine may lose some of the protection it has enjoyed by reason of its capacity to remain submerged for long periods and its ability to fire and then move to a new position before an enemy could deal with it.

The first such publicly disclosed comment was a statement by Defense Secretary Laird in March, when he said he did not believe the existing immunity from attack would last much beyond 1972.

Now has come the release of testimony by the chief architect of the U.S. nuclear sub force, Vice Admiral Hyman Rickover, who points to the looming need of a new kind of escort submarine for the missile-firing type. He said the Soviets, rapidly overtaking the U.S. in submarine strength, could threaten the invulnerability of the Polaris by 1973 or 1974.

However inevitable it may have been that the A-sub would bring development of enemy means to offset its advantages—under the historically demonstrable theory that any new weapon stimulates the creation of counter-weapons—it is nevertheless a matter of concern that this may happen soon, may indeed already be happening. For beyond a doubt the potent U.S. force of Polaris subs, with their nuclear-tipped rockets, has given this country an important margin of protection. This has been the extra striking power the U.S. could exert even if somehow its land-based missile complex was crippled.

Nor is the new concern greatly lessened by such beliefs as that of the civilian expert who answered Mr. Laird's view by attributing the Defense Secretary's observations to intuition and uneasiness rather than any hard evidence of a Soviet anti-Polaris breakthrough. This expert, who is a member of the Naval Research Advisory Committee, said he knows of no such actual developments in submarine warfare.

Yet even granting a degree of over-emphasis on Mr. Laird's part (he was intent on selling the anti-ballistic missile to Congress at the time), he is nevertheless in a position to know a great deal about the matter. And obviously, so is Admiral Rickover. If such men as these, even supposing they have no precise, factual data, are making educated guesses that the end of Polaris' special advantage is in the offing, their views cannot be complacently dismissed.

The possible danger and the cost of ignoring such a Soviet potential are simply too great.

## CONSERVATION OVERKILL IN THE GRAND CANYON

Mr. GOLDWATER. Mr. President, I am always gratified when Senators from the East take a particular interest in the scenic wonders of Arizona, especially the Grand Canyon. However, those with an intimate knowledge of the canyon and the surrounding area and its related problems are inclined to feel that the bill introduced recently by the Senator from New Jersey (Mr. CASE) may do more harm than good.

It may surprise some Senators to understand that although conservation is a highly laudible pursuit, it is also a pursuit which may be overdone. I believe this is true so far as Senator CASE's bill is concerned.

The Phoenix Gazette, which is published in my hometown of Phoenix, Ariz., says that Senator CASE's bill to expand the acreage of the Grand Canyon Park to 2.1 million acres is an exercise in conservation overkill. Just one of the problems that would be created involves the proper management of wild game. Arizona pioneers have never forgotten the problems in Kaibab National Forest in the 1920's, when the lack of sound game management resulted in a vast overpopulation of deer which virtually destroyed the area.

There are other objections which I feel I must raise to Senator CASE's bill, objections which I will raise if and when it comes before the Senate for consideration. Meanwhile, I ask unanimous consent to have printed in the RECORD an editorial entitled "Too Large a Park," published in the Phoenix Gazette of October 6, 1969.

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

TOO LARGE A PARK

Although Sen. Clifford Case, R–N.J., may deserve admiration for his concern over the scenic wonders of the Grand Canyon, his proposal to expand the national park there to three times its present size amounts to conservation overkill.

Under provisions of a bill introduced by Case, the park would be enlarged from its present 673,575 acres to more than 2.1 million acres, taking in a vast area from Lee Ferry to Lake Mead. That is too much park.

Even if all the extra land involved already belonged to the federal government, Case's proposal would be a bad one. It would seal off vast acreage, including much of the Kaibab National Forest, from multiple use, a move that would seriously damage the economy of Northern Arizona. Since hunting is prohibited in national park areas, sound game management would be impossible, and the Kaibab might once again be the scene of the horror of the 1920s, when an overpopulation of deer virtually destroyed the area.

Worse yet, Case's bill provides for 50,000 acres of state land and 40,000 acres of privately owned land to be taken into the park. With 72 percent of Arizona already in the federal domain, no additional acreage should be added except for the most urgent reasons. The park expansion envisioned by Case is not urgent.

This is not to say that the Grand Canyon National Park shouldn't be expanded. Sen. Barry Goldwater, who knows the canyon better than most men, has introduced legislation that would expand the park by 255,250 acres, most of it already held by the federal government. Moreover, Goldwater's bill, backed by the entire Arizona delegation, takes into careful consideration the other needs of the area, including game management. Like Case's bill, it prohibits major dams and provides other protection. It does not, however, provide a park so vast that it would be virtually unmanageable.

If Sen. Case really has the interests of the Grand Canyon at heart, he will withdraw his bill so the Senate can proceed on Sen. Goldwater's sound legislation.

## THE HAWAIIAN VIEW OF THE WORLD

Mr. INOUYE. Mr. President, on this 10th anniversary of Hawaii statehood, I thought it would be of interest to Members of Congress—particularly those who had supported the effort which gave us statehood—to share a recent address by our Governor, Hon. John A. Burns, to the 95th annual convention of the American Bankers Association. I believe Governor Burns expresses so well the Hawaiian view of the world and their role in it.

While each of our 50 States is unique, we in Hawaii feel that we have certain special characteristics which set us apart and make us a bridge for understanding the larger world.

Mr. President, I ask unanimous consent that Governor Burns' speech be printed in the RECORD.

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

ADDRESS BY GOV. JOHN A. BURNS BEFORE THE AMERICAN BANKERS ASSOCIATION, HONOLULU INTERNATIONAL CENTER

It is with genuine pleasure that I welcome today to our State of Hawaii all you who are here for the 95th annual Convention of the American Bankers Association.

It is certainly an honor for our Islands that your prestigious organization has chosen this Pacific State for your major national assembly during our Statehood Decennial Year.

The list of distinguished leaders of our country's financial business, governmental and news media institutions who have gathered here in connection with your sessions adds luster to our own happy 10th Statehood Anniversary celebrations.

I am delighted to say to all of you, in the ancient and beautiful language of these Polynesian Islands, "E komo mai"—Come in! The House is Yours!"

You will, I am sure, find time to tour our State and go far beyond the immediate comforts and convenience of modern Waikiki to the still more beautiful regions of our wonderful Neighbor Islands. You will see there what we call the "Other Hawaii"—the Islands of legend and song, where an environment of surpassing beauty is within reach of all of you.

You will discover—perhaps to your astonishment—that we who live in Hawaii view the world beyond our Islands with different eyes and somewhat deeper insights. It was with both good humor and a special perception that a speaker remarked recently:

"In Hawaii, New York is the Far East and the Land of the Rising Sun, while China, Japan, Korea, the Philippines, and other nations of Asia are the lands of the Golden West, where opportunities abound."

While Paris, London, Philadelphia, Chicago, Denver, and San Francisco are deep in sleep or close to it, Hawaii is wide awake, pondering the world's events, reading Today's News Today in the nation's latest afternoon paper, and still discussing at dinner tables the newest crises and newest solutions to the problems of our globe.

And while London, New York, and Chicago are roaring with the traffic noises of giant cities starting a new day, Hawaii is still at rest and hears only an occasional song of a sleepy bird and the soft, steady thunder of our ever-present surf.

We in Hawaii are in the Center of the Sea, in the quiet vastness of the awesome Pacific, geographically unique, like no other State in the Nation. It is most logical, therefore, that our outlook, our political and social philosophy, our culture, our thinking, our

habits of work, and recreation will, in many ways, be refreshingly different to those of you who may not be familiar with our history and our special place in this world.

We are more than a collection of Islands; we are an Island people—a free people—of all races, colors, creeds, and cultures. We are an amalgamation, a fusion, of East and West. We are not a *collection* of differences; rather, we are a *melding* of differences, forming what some have called—in their enthusiasm for the process and the product—a Golden People.

Because we are different, although still thorougnly American, we view the world an outlook different from that of our fellow citizens of our Mainland Sister-States.

We are a Pacific Frontier State. Here in Hawaii, we have known the full fury of war and the sweet and precious blessings of peace. Our young and dear Island sons have offered their lives—just as many of your sons have given theirs—for the defense of freedom of alien peoples in alien lands, in past and present conflicts.

It was from these same lands—Japan, China, the Philippines, Korea, and the countries of Southeast Asia and the Pacific, that the parents and grandparents of our citizens came, seeking the security and blessings of America. We have been the second "Golden Door" to the United States for thousands of Asian immigrants.

Here in Hawaii, we have suffered the same anguish of spirit over the Vietnam War which you yourselves have suffered. We have been much closer to it, geographically and militarily, than any other State. With our memories of Pearl Harbor, we have a special sensitivity to the many implications which flow from the changing tides of battle and the deep yearnings of millions for an end to brutal conflict.

Here in Hawaii, we developed long ago the profound conviction that all mankind is one family; that no man, no State, no nation, is an Island complete unto itself; that there is no peace for us when anyone, anywhere, is at war; and that peace, prosperity, and progress are available to all who will struggle and work together to gain these gifts offered to us.

We have learned that unity is not achieved by voluntarily alienating ourselves from others or by withdrawing from regions of struggle because the effort is extremely difficult.

We in Hawaii yearn for, and work for, the development of a spirit of community in the Pacific basin. We seek to inspire and promote a Pacific Community of Nations, a spiritual unity of peoples of diverse ethnic origins.

We see this as our special role and duty and destiny by reason of the precious gift of American freedom given to us; by reason of our unique geographical location; by reason of our total blending of the cultures of East and West in our interracial unity and harmony; by reason of our extraordinary prosperity and attractive physical and social environment, and by reason of our proven history of dedication to man's highest ideals.

It is to this land of Aloha, this American-Polynesian-Asian-European society, that I welcome all of you today. I hope you will have time to learn something of our history, and to review some of our many modern developments which are playing so important a part in the promotion of a sense of unity among Pacific peoples.

You will find our prosperity is real and solidly based—the result of good programs of planning and economic development. You will find our spirit of Aloha, a treasured inheritance from the Hawaiian people, is genuine and all-pervasive in spite of the new pressures of expansion. You will find that our local concerns are not primarily for wealth or economic power or the superficial image of a painted and promoted pseudo-paradise.

Rather, Hawaii wants to be of service to the world. We want to lead by the power of good example, by the perfecting of our Island society. We want the shining light of our prosperity, our remarkable social advances and our compassion for all the lesser developed regions of the Pacific to inspire others so they will honor and cherish the basic principles of justice, freedom, and mutual assistance which have made our country so great.

You are bankers, and financial specialists, and great men and women in the world of commerce and trade. I invite you to consider whether Hawaii's aspirations to improve our world strike a responsive chord in your hearts.

Is Hawaii a State in which your valuable contributions of time, talent, and investment can further the cause of peace and global unity, an end to wars, and a flowering of prosperity and progress? Is this where your heart lies . . . in the vibrant center of an ocean whose very name means peace?

Please consider these things in the brief time you will be with us. And, meanwhile, it is my earnest hope that your convention will be eminently successful, and that all of you will have a most enjoyable and profitable visit with us.

Mahalo.

## THE PRESIDENT'S MESSAGE ON THE PACE OF CONGRESS

Mr. McCLELLAN. Mr. President, this morning the President forwarded to Congress a message discussing the pace of action on the administration's legislative program. While the message was formally sent today, advance copies were made available to those of us most immediately concerned with parts of it. Over the weekend, I had an opportunity to study and evaluate the message.

Mr. President, I cannot speak for all Senators on this side of the aisle, but I will say that I intend to take the President's message in the nonpartisan spirit in which it was apparently written. The President is right when he observes that we have not always acted with due dispatch on each of his proposals, and he is right, too, when he observes that executive departments have been slow—often very slow—to report on various measures. The facts, which I shall place in the RECORD at the conclusion of my remarks, speak for themselves. Nevertheless, the President made his most cogent point when he said:

> Let us resolve . . . to make the legislative issue of the 1970 campaign the question of who deserves greater credit for the 91st Congress' record of accomplishment, not which of us should be held accountable because it did nothing. The country is not interested in what we say, but in what we do—let us roll up our sleeves and go to work.

Mr. President, a substantial part of the President's message was devoted to the control of crime, and a large segment of that was devoted to organized crime. This session of Congress has thus seen the introduction in this area of 10 major measures—three of which the President singled out in his message. I shall place in the RECORD at the conclusion of my remarks a brief analysis of each of these bills, but I am pleased now to report to the Senate that the Subcommittee on Criminal Laws and Procedures, of which I am chairman, has completed its preliminary study of these measures, and we are now ready to move to mark up and then to bring the major provisions of these bills to the attention of the full committee and the Senate itself. We are now awaiting only the printing of a committee print, a document which I am informed should be in our hands shortly.

Mr. President, it is true that we have taken some time in processing these measures. But let me suggest that it is not only important that things be done quickly, but also that they be done well. We have extensively explored the ramifications of these proposals in hearings with all those who desired to testify, circulated the measures on our own initiative throughout the United States for critical comment from learned scholars, and attempted to work as closely as possible in fashioning workable tools with those in the Federal law enforcement community who will ultimately bear the responsibility to implement whatever we do in this field. As a result of this process, I am pleased to report that the 10 separate measures have now been consolidated into a single overall bill, embracing 11 major titles and presenting for consideration an integrated, comprehensive, organized crime control program, a program that I feel confident will find the approval of a large majority of Senators.

Mr. President, in closing my message the President pledged his "cooperation" in securing the enactment of these "urgent measures." I now pledge to this body that I will do all in my power to see that these proposals are presented to the Senate for action as soon as it is practicably possible. My hope is that we can see favorable action this session. I intend to do all I can to fulfill that hope.

I ask unanimous consent that the following documents be printed in the RECORD.

First, an analysis of the major organized crime proposal referred to the Subcommittee on Criminal Laws and Procedures.

Second, the time schedule of the work of the Subcommittee on Criminal Laws and Procedures.

Third, an analysis of S. 30 as reworked and ready for subcommittee action, the Organized Crime Control Act of 1970.

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

ANALYSIS OF THE MAJOR ORGANIZED CRIME PROPOSALS REFERRED TO THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

S. 30 (Mr. McClellan, Mr. Ervin, Mr. Hruska, January 15, 1969) is a comprehensive revision and strengthening of the evidence gathering process in organized crime investigations. It contains the following provisions:

Title I: revamps the grand jury system and authorizes, subject to careful safeguards, the issuance of grand jury reports;

Title II: authorizes the granting of immunity to obtain testimony over objections of self-incrimination;

Title III: provides for civil contempt proceedings to deal with recalcitrant witnesses;

Title IV: eliminates outmoded evidentiary restrictions in prosecutions of those who give false testimony in grand jury or court proceedings;

Title V: makes possible, subject to constitutional protections, depositions from witnesses in danger of reprisal;

Title VI: extends to such witnesses physical facilities in which they may be protected;

Title VII: strengthens the evidentiary rules surrounding the admissibility of vicarious admissions in conspiracy cases; and

Title VIII: provides for the imposition of increased punishment (up to 30 years) for convicted "habitual" criminals, "professional" criminals, and "organized crime" leaders.

S. 974 (Mr. Tydings, February 7, 1969) creates within the Department of Justice the position of Assistant Attorney General for Organized Crime and provides for his supervision over other activities relating to organized crime cases.

S. 975 (Mr. Tydings, February 7, 1969) is a general immunity statute which would compel witnesses to testify or produce evidence in certain cases even though such testimony or evidence may be self-incriminating, but provides that no witness shall be prosecuted as a result of such compelled evidence except for perjury or contempt.

S. 976 (Mr. Tydings, February 7, 1969) would provide increased sentences of up to 30 years for certain persons over the age of 21 who are considered dangerous to the public and who are being sentenced for a felony committed as part of a continuing criminal activity in concert with one or more persons.

S. 1623 (Mr. Hruska, March 20, 1969) would prohibit the investment of certain illegally gained income in any business enterprise affecting interstate or foreign commerce and provides for a penalty up to $10,000, 10 years imprisonment, or both. Injunctive relief to prevent violation of the act may be sought in United States district courts by the government or a person threatened with damage. In addition, an individual who has actually suffered injury is entitled to treble damages.

S. 1624 (Mr. Hruska, March 20, 1969) would amend the Internal Revenue Code of 1954 in regard to taxes and wagering, and facilitate the collection of such taxes by complying with *Marchetti* v. *United States*, 390 U.S. 39 (1968), and *Grosso* v. *United States*, 390 U.S. 62 (1968). The *Marchetti* and *Grosso* decisions held that a defendant charged with failure to register and purchase a wagering occupational tax stamp, or failure to pay an excise tax under title 26 of the United States Code could use his privilege against self-incrimination as a complete defense against such charges. S. 1624 is designed to eliminate the hazards of self-incrimination which underlie the *Marchetti* and *Grosso* decisions. The bill would also raise the annual occupation tax from fifty dollars to one thousand dollars for principals and to one hundred dollars for their subordinates.

S. 1861 (Mr. McClellan, Mr. Hruska, April 18, 1969) would prohibit the infiltration of legitimate organizations by racketeers or the proceeds of racketeering activity, where interstate or foreign commerce is affected. Criminal penalties include a fine of up to $10,000, imprisonment of up to 20 years, or both, and forfeiture of all interest in the affected enterprise. Civil remedies to prevent violation of the act are available to the government and may be brought in United States district court.

S. 2022 (Mr. Hruska, Mr. Dirksen, Mr. Eastland, Mr. McClellan, Mr. Mundt, April 29, 1969) would assist the States in the control of illegal gambling and is divided into three titles. Title I would make it unlawful for two or more persons to obstruct the enforcement of the criminal laws of a state to conceal an illegal gambling business if one of the persons is an employee charged with executing the criminal laws of such state and one of the persons participates in or derives revenue from an illegal gambling business violation of Title I is punishable by a fine of not more than $20,000, imprisonment for not more than 5 years, or both. Title II would make it unlawful to participate in an "illegal gambling business" which is defined as a violation of a state law involving 5 or more persons participating in any betting, lottery, or numbers activity, which has been in operation over 30 days or has a gross revenue of $2,000 in any single day. Title III makes clear that the act is not to occupy any field in which the provisions operate to the exclusion of any state law.

S. 2122 (Mr. McClellan, Mr. Ervin, Mr. Hruska, May 12, 1969) is a general immunity statute which would prescribe the manner in which a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination and defines the scope of immunity to be provided such witness with respect to information provided under an order. The bill provides that no testimony, information or derivative evidence may be used against such witness in any criminal case except for prosecution for perjury or contempt. S. 2122 repeals all previously enacted immunity statutes and it should be noted that the bill grants a witness immunity from "use" of the compelled evidence rather than immunity from prosecution.

S. 2292 (Mr. McClellan, Mr. Hruska, May 29, 1969) provides that in all proceedings under the authority of the United States no claim regarding the inadmissibility of evidence obtained as the result of an allegedly illegal act shall be considered if there is five years between the allegedly illegal act and the event evidence of which is to be introduced. The bill further provides that as regards any claim of inadmissibility of alleged illegally obtained evidence, no information may be disclosed unless such information is relevant to the determination of the admissibility of such evidence and is in the interest of justice.

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TIME SCHEDULE OF THE WORK OF THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

January 15, 1969: Introduction of S. 30, "Organized Crime Control Act," by Senators McClellan, Hruska and Ervin.

February 5, 1969: Letter to the Attorney General informing him of forthcoming hearings on subject of organized crime legislation.

February 7, 1969: Full Committee requested report from the Attorney General on S. 30. (Received May 8th.)

February 7, 1969: Introduction of bills by Senator Tydings: *S. 974*, to create a position of Assistant Attorney General for Organized Crime; *S. 975*, to provide for granting of immunity; and *S. 976*, to provide for increased sentences.

February 20, 1969: Acknowledgment of Chairman's letter of Feb. 5th . . . "will be in contact with you again in the very near future."

February 20, 1969: Full Committee requested reports from the Attorney General on—S. 974 (Received August 5, 1969); S. 975 (Report on given in Asst. A. G. Wilson's statement before Subcommittee on June 4, 1969); S. 976 (Report on given in Asst. A. G. Wilson's statement before Subcommittee on June 4, 1969).

March 17, 1969: Letter to Attorney General re *Alderisio* and *Spinelli*. (Reply received April 11th.)

March 18, 1969: Hearings on S. 30 and related bills with the Attorney General not testifying on specific provisions, but merely testifying generally:

Detailed analysis of S. 30 promised within 15 days or 3 weeks. (Received May 8th.)

Crime charts submitted to Attorney General for verification. (Received June 3d.)

Data on La Cosa Nostra requested. (Received June 3d.)

Information on *Alderisio* and *Spinelli* again requested. (Received April 11th.)

March 19, 1969: Transcript of hearings sent to the Attorney General for correction (pp. 11–61). (Received April 29th.)

March 20, 1969: Introduction of bills by Sen. Hruska: *S. 1623*, to prohibit the investment of illegally obtained income, and S. 1624, wagering tax amendments. (S. 1624 administration proposal.)

March 27, 1969: Full Committee requested report from the Attorney General on 1623. (Received Asst. A. G. Wilson's testimony, June 3d.)

March 27, 1969: Full Committee requested report on S. 1624 from Attorney General. (Received May 16, 1969); Treasury (Received June 3d, in testimony).

April 18, 1969: Introduction of S. 1861, "Corrupt Organizations Act," by Senators McClellan and Hruska.

April 23, 1969: President's Message on Organized Crime—Commends recommendations of National Com. on Reform of Fed. Criminal Law on Immunity (submitted to President March 17, 1969). Seeks "swift enactment" of S. 1624. Asks for legislation on syndicated gambling and police gambling corruption. Approves objectives of S. 30. Notes Attorney General examining legislation dealing with infiltration of organized crime into legitimate business.

April 29, 1969: Introduction of S. 2022, to outlaw syndicated gambling and gambling corruption by Senators Hruska, Dirksen, Eastland, McClellan and Mundt. (Administration proposal.)

May 12, 1969: Introduction of S. 2122, "Federal Witness Immunity Act," by Senators McClellan, Hruska and Ervin. (Reflecting Administration proposal.)

May 19, 1969: Full Committee requested report (within 20 days) from (follow-up request on June 30th for report by July 14th)—Attorney General (Received June 3d testimony); Atomic Energy Commission (Received July 15th); Civil Aeronautics Board (Received July 15th); Federal Communications Commission (Received July 16); Federal Deposit Ins. Corp. (Received July 18, July 24); Federal Maritime Commission (Received July 16th); Federal Power Commission (Received June 2d); Federal Trade Commission (Received July 16); Interstate Commerce Commission (Received July 14th); National Labor Relations Board (Received July 17th); National Transportation Safety Board (Received July 15th); Railroad Retirement Board (Received May 28th, July 16th); Securities and Exchange Commission (Received July 15th); Subversive Act. Control Board (Received July 15th).

May 29, 1969: Introduction of S. 2292, to regulate suppression of evidence, by Senators McClellan and Hruska.

June 2, 1969: Full Committee requested report on S. 2292 from the Attorney General. (Received Sept. 9th.)

June 3, 1969: Assistant Attorney General Wilson testified.

Report on S. 1861 promised in about 3 weeks. (Received Aug. 11th.)

Report on S. 974 promised "shortly." (Received Aug. 5th.)

June 4, 1969: Transcript of hearings sent to Mr. Wilson for corrections (pp. 336–390). (Received July 24th.)

June 6, 1969: Letter to Asst. A. G. Wilson setting out questions per hearings of June 3d (on S. 30 and S. 976). (Received July 18th.)

September 3, 1969: S. 1624 circulated for subcommittee approval or comment.

September 13, 1969: Printed hearings received.

October 9, 1969: Organized Crime Control Act ready for mark-up by Subcommittee.

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ANALYSIS OF S. 30 AS REWORKED AND READY FOR SUBCOMMITTEE ACTION, THE ORGANIZED CRIME CONTROL ACT OF 1970

OUTLINE OF BILL

*Title I. Grand Jury*

Source: Title I of S. 30 as originally introduced.

Endorsed: Department of Justice.

*Title II. Immunity*

Source: S. 2122.

Endorsed: National Commission on Reform of Federal Criminal Law; President in his message on "Organized Crime" Department of Justice.

*Title III. Recalcitrant Witnesses*

Source: Title III of S. 30 as originally introduced.

Endorsed: Department of Justice.

*Title IV. False Declarations*

Source: Title IV of S. 30 as originally introduced.

Endorsed: Department of Justice.

*Title V. Witness Facilities*

Source: Title V of S. 30 as originally introduced.

Endorsed: Department of Justice.

*Title VI. Depositions*

Source: Title VI of S. 30 as originally introduced.

Endorsed: Department of Justice.

*Title VII. Admissibility of Declarations*

Source: Title VII of S. 30 as originally introduced.

Endorsed: Department of Justice.

*Title VIII. Regulation of Litigation Concerning Sources of Evidence*

Source: S. 2292.

Endorsed: Department of Justice.

*Title IX. Syndicated Gambling*

Source: S. 2022.

Endorsed: President in his message on "Organized Crime" Department of Justice.

*Title X. Corrupt Organizations*

Source: S. 1623 and 1861.

Endorsed: Suggested by President in his message on "Organized Crime" Department of Justice.

*Title XI. Special Offender Sentencing*

Source: Title VIII of S. 30 as originally introduced, and S. 976.

Endorsed: Department of Justice.

## WISCONSIN ART PROFESSOR WINS INTERNATIONAL AWARD

Mr. PROXMIRE. Mr. President, I was delighted to learn recently that Paul S. Donhauser, associate professor of art at Wisconsin State University, has become the first American ever to win one of the highest awards of the international competition of artistic ceramics, which was held this year at Faenza, Italy. In the past, these biennial competitions have been exclusively dominated by Europeans.

Actually, this competition provided a double victory for Wisconsinites. In addition to Dr. Donhauser's coveted award, first place in a separate worldwide student competition went to David Debyl, a student at Wisconsin State University.

Mr. President, I ask unanimous consent that Dr. Donhauser's letter of October 6, 1969, to me, and an accompanying news article, be printed in the RECORD.

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

WISCONSIN STATE UNIVERSITY,
*Oshkosh, Wis., October 6, 1969.*

Mr. WILLIAM PROXMIRE,
*U.S. Senator,*
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR PROXMIRE: I thought you might be interested in knowing that I was just selected as the first American to ever receive one of the highest awards at the 27th International Competition of Artistic Ceramics, currently being held at the International Museum of Ceramics, Faenza, Italy. In addition, one of our students, David Debyl of Neenak, won first place in a separate worldwide student competition. Thus, for the first time in the history of the international show, teacher-artists and students from the same school were given these top honors.

I received the award at the last session of the Council of European Nations which was meeting at Faenza. It was at that time I felt extremely proud of being an American citizen and also representative of our state of Wisconsin.

I am a naturalized citizen who came to this state in 1948 from Germany. Since that time, this land has given me ample opportunities to work my way through school and compete for a career. The international award is really just a manifestation of my gratitude for having had these opportunities and privileges. It is for that reason that I write you, hoping that you can share with me indirectly, at least a short moment of happiness and pride in this event.

Thank you for allowing me to take a few minutes of your time.

Sincerely,

PAUL S. DONHAUSER,
*Associate Professor of Art.*

DR. PAUL DONHAUSER HAS INTERNATIONAL AWARD

Artists and art critics of five nations have selected the work of Dr. Paul S. Donhauser, associate professor of art at Wisconsin State University-Oshkosh, for the third highest international award at the 27th International Competition of Ceramics at Faenza, Italy.

According to Faenza Mayor-President Elio Assirelli, this is the first time that an award of this importance has been given to an American. In the past, the biennial international competitions have been dominated by Europeans.

Dr. Donhauser will receive the award Saturday at the International Museum of Ceramics in Faenza. For the competition, he submitted five stoneware ceramic pieces created during the past year. His work was screened by the international jury from Italy, France, Belgium, Germany and Switzerland. They also recommended one of his pieces be purchased by the International Museum for its permanent collection.

Donhauser left Oshkosh Wednesday for Italy to attend the state ceremony where the Faenza Municipal Administration and the Art Council of Europe will make the award. The WSU-O professor will receive the "Prize of the Ministry of Education in Honour of Gaetano Ballardini" and the sum of 500,000 lire.

In addition to the competition for professionals, a competition for students was won by a former WSU-O student. David Debyl, Neenah, was awarded a first prize for a large stoneware bowl and a cash prize of 50,000 Italian lire. Because Debyl was a student of Dr. Donhauser, his teacher will receive a gold medal.

Although five other WSU-O students submitted work for judging by the international jury, it is not known at this time whether or not their work has been accepted. This will be known at the time Donhauser returns.

Dr. Donhauser came to WSU-O in the fall of 1965. He received his baccalaureate and master's degrees from the University of Wisconsin and his doctorate from Illinois State University.

Over the past three years, Donhauser's work has appeared in numerous local, state, and national exhibitions and has won several awards. His work has been shown at the Everson Museum in Syracuse, the Milwaukee Art Center, Evansville Museum of Art and Science, Springfield Museum in Illinois, in Wichita, Kans., Peoria Art Center, Joslyn Art Museum, Des Moines Art Center and many other galleries, museums, and art centers.

In addition to his activities in the teaching and ceramic field, Donhauser is currently completing a book entitled "History of American Studio-Pottery."

## SENATOR SCOTT PAYS TRIBUTE TO ITALIAN AMERICANS ON COLUMBUS DAY

Mr. SCOTT. Mr. President, I pay tribute to Pennsylvania's Italian Americans today on Columbus Day 1969, which was celebrated this past Sunday. During the last Congress, I supported legislation establishing Columbus Day as a national holiday.

This will be a long overdue tribute to the Italian Americans who have contributed so greatly to the progress of our Nation.

Nearly five centuries ago, Christopher Columbus sailed into the Western Hemisphere. Since that time, more than 12 million of his countrymen have followed him to these shores.

Establishment of Columbus Day as a national holiday is a long-overdue tribute to the discoverer of the New World and to the millions of Italian Americans whose ancestors made a new life in America and, in the process, contributed so greatly to the progress of our Nation.

Each year brings increasing recognition of the great contributions to a growing America which have been and are being made by our citizens of Italian origin. The music of Italian names fills the roll-call of achievement in nearly every area of American life. The Italian Americans have made a tremendously rich contribution to the United States and it is high time that we take action to recognize their contribution.

Our citizens of Italian descent have enriched our national heritage and our way of life through business, the professions the arts, politics, science, and sports. In every type of endeavor, the names of Italian Americans are prominent and respected.

Some of the more familiar are:

Philip Mazzei, friend of Thomas Jefferson, whose writing greatly influenced the drafting of our Declaration of Independence.

Constantino Brumidi, who painted the magnificent frieze in the great rotunda of the Capitol Building in Washington.

Charles Barsotti, who established the first Italian daily newspaper in America.

Enrico Fermi, who made possible the use of atomic power, the peaceful uses of which are continually creating exciting new possibilities.

Walter Alessandroni, Pennsylvania's late attorney general, who made outstanding contributions to government and law enforcement.

Anna Moffo, another Pennsylvania, whose glorious singing has made her name known throughout the world.

Michael A. Musmanno, Pennsylvania's late supreme court justice, who was one of the Commonwealth's and the Nation's most respected jurists.

## PROGRESS THROUGH PARTICIPATION

Mr. STEVENS. Mr. President, the Secretary of the Interior, Walter J. Hickel, and the new Commissioner of the Bureau of Indian Affairs, Louis Bruce, each spoke before the National Conference of American Indians in Albuquerque, N. Mex. Their appearances before this group were highly significant in the highlighting of the positive approach the Nixon administration is taking in its dealings with our first citizens.

The remarks of Secretary Hickel show that this administration is both responsible and responsive to the needs and desires of the American Indians.

Mr. President, I ask unanimous consent that the texts of Secretary Hickel's and Commissioner Bruce's speeches be printed in the RECORD.

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

REMARKS BY SECRETARY OF THE INTERIOR WALTER J. HICKEL BEFORE THE NATIONAL CONGRESS OF AMERICAN INDIANS, ALBUQUERQUE, N. MEX., OCTOBER 8, 1969

To have the opportunity to address the group that represents so many of America's first citizens is indeed an honor for the Secretary of the Interior.

It is good to have the opportunity to get away from Washington, D.C. and out in the land, with you—America's first citizens.

It is good to join you in celebrating this 25th anniversary of the NCAI.

Through your organization, America's Indians, individually and collectively, have made great strides. Unfortunately, the NCAI and all of the other Indian groups, for too long have been trying to carve out their niche alone.

Government, in my judgment, has not met its responsibilities in helping you to secure your goals. In this respect, and before I go any further, I want to make one thing crystal clear: This Administration is dedicated to improving—not destroying—that special relationship that exists between Government, the Indians, and the land.

We are not a pro-termination Administration.

Several weeks ago, I was quoted in the press to the effect that "Hickel is for termination."

Let me set the record straight here this afternoon so that there will not be any further misunderstanding. Neither I nor this Administration have a pro-termination policy.

Such a policy can only be established by the Indian community itself, through a clear mandate on the part of your people.

Another way of putting it is that I personally, as Secretary of the Interior, and the Bureau of Indian Affairs, which is under my jurisdiction, do not intend to tell you what to do. Rather, we will listen to you, work with you, and implement the policies which, through mutual understanding, will be designed to further improve your state in life.

I also want you to know that President Nixon agrees with me completely in this line of policy thinking. He put it so well when he said that he will "help the Indian people reach the goals that they themselves have set and will set."

Not all the publicity surrounding the Secretary's job has been the most favorable as we build this new Administration.

One cartoon I saw showed one Indian saying to another:

"If you liked Custer, you'll love Hickel."

I hope that such cartoons will soon read:

"If you *like Indians,* you'll love Hickel."

I have searched long and hard to find the right man to represent all of America's Indians as Commissioner of Indian Affairs. In some areas, this delay has caused a rightful concern.

Happily, out of our search, and with your help—came Louis R. Bruce. He is a man many of you know and have worked with as a founder of this National Congress of American Indians.

And I want to tell all of you that Commissioner Bruce has my support and my ear.

I have told the Commissioner that I will insist that the American Indians have an important place in determining and making Indian policy, and implementing Indian programs.

There will be no plans concerning Indians without having Indians in the planning.

There will be no programs for Indians without Indians running the programs.

I believe in Indian participation while I was Governor of Alaska, and I had many Indians on the staff in my Administration.

All American Indians can be assured that I have lost none of my beliefs. I know that you have the ability—and I intend to utilize your talents.

Let me issue you an invitation to work with us, to begin to take action now for a rewarding future.

In our planning, I have taken two steps. First, I have announced the establishment of an Advisory Committee made up of your chosen representatives and Interior Department representatives.

Second, I have named Morris Thompson, an Alaskan Indian (who is sitting right here), as my Special Advisor on Indian Affairs in Washington.

He will remain here in Albuquerque this week and will be available to meet with you.

Only you know who your best spokesmen are. Tell Morris who they are. And tell him what items the Committee should face up to.

When he returns to Washington, Morris, Commissioner Bruce, Assistant Secretary Harrison Loesch and I will sit down and set up a meeting of the Advisory Committee.

We want this first meeting to be soon. And at each meeting we want your chosen representatives telling me the policies you want implemented.

We will also be in constant touch with the Vice President's Council on Indian Opportunity so our programs will be coordinated. I know that Vice President Agnew's aid will be invaluable.

There must be no conflicts with individuals or agencies, no interests greater to Interior than improving the quality of life for the American Indian.

First, there must be a general rise in the quantity and quality of education, and Indians must participate in that rise.

Indians must direct school boards. Indian parents and tribal leaders should be involved in school affairs.

Indian curriculums must be geared to the needs—both occupational and cultural—of the Indian.

And, we should remember that education can be both vocational and academic.

Good education is a community effort. And the school must be part of the community. This is being done at Rough Rock. It can be done elsewhere.

Next, we must make sure that unemployment doesn't start when education ends.

It is time to stop thinking merely of "economic development." Let's start thinking in terms of jobs.

For those reservations that don't want industry, we must make other plans.

Together we can develop plans so that Indians themselves contract to provide services in and around the reservations. We can establish more employment for Indians by having them meet the need of other Indians.

It is important that we build for the future as well as the present. It is important that we build for pride.

Without quality, as well as quantity, there can be no pride in your home.

Without challenge and diversity, there can be no pride.

Without pride in your home, it is doomed to a life of neglect and disrepair. We must work together to build that house.

As important as jobs and education and housing are, land and water daily affect each and every one of you. But the needs and problems vary from tribe to tribe and area to area.

As trustee for Indian Tribes, I have a duty to protect and defend your rights against all efforts to diminish or destroy them.

I will fulfill that duty.

Many of you know that as your Secretary, I have fought hard to get a generous settlement of the Alaskan land claims.

I have worked for legislation to get surplus government lands for the Indian tribes, with favorable legislative reports from our Department on such projects as Cheyenne River, Fort Berthold Laguna, Pueblo, Standing Rock, and Taos Pueblo.

And I have called a hearing at the request of the Fort Mojave Indians. They will be heard.

There are many other concerns in protecting the Indian land rights. I have been greatly troubled by the threat to Pyramid Lake in Nevada. I had an opportunity to see the Lake and to meet with the Pyramid Lake Indians prior to a meeting with the Governors of California and Nevada concerning the use of water in this basin.

There has been some misunderstanding of this complex matter, but I want you all to know that I am standing firm on providing sufficient water for the preservation of Pyramid Lake and protecting the rights of the Pyramid Lake Tribe.

I want to thank you for the Pyramid Lake Resolution No. 31 that passed last year's NCAI convention and was sent to me. It helped me adopt my policy.

Let me use this meeting to pledge to you that the American Indian will not be the "Forgotten American" in this Administration.

I worked hard as Governor of Alaska to improve native conditions there, and now as your Secretary, I have the same will to bring full citizenship to all American Indians.

There are many other needs—needs for all Indians, needs for just one tribe, needs for just one Indian.

The challenge to meet the needs is ours—yours and mine. I gladly accept that challenge and I know that you do, too.

With your ideas and your trust, we can make words come to life.

I can help. But, in the final analysis, the future of the Indians—America's First Citizens—must be shaped *by* the Indians, *for* the Indians.

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ADDRESS BY COMMISSIONER OF INDIAN AFFAIRS LOUIS R. BRUCE AT THE 25TH ANNIVERSARY CONVENTION OF THE NATIONAL CONGRESS OF AMERICAN INDIANS, ALBUQUERQUE, N. MEX., OCTOBER 9, 1969

President Chino, Vice Presidents, and friends. I am especially happy to be here at the 25th Anniversary Convention of the National Congress of American Indians.

In the past I have joined you around the table as one of the charter members of the National Congress of American Indians. Our efforts then were to develop a forceful voice for the American Indians and to work to improve the legal, economic, and social conditions of our people. Today, I come as your Commissioner of Indian Affairs. The intensive efforts which you need to make and which I need to pursue are more pressing now than at any time in our history.

I have accepted the challenge of being the Commissioner of Indian Affairs fully realizing the tremendous task which I have under-

taken. As Commissioner I want to get Indians fully involved in the decisions affecting their lives; then to get the Bureau of Indian Affairs to be totally responsive to Indian needs; and to develop a climate of understanding throughout the United States which will permit the full development of Indian people and their communities without the threat of termination. All of these tasks are of equal importance and must be pursued with diligence and at once.

I want to underscore, at this point, that I accepted the appointment of Commissioner, with the commitment and understanding that this administration was not going to become a termination administration and that I would have the fullest high-level cooperation in my efforts to reorganize the Bureau of Indian Affairs. I have been given these assurances.

Secretary Hickel strongly emphasized this in his speech last night, and Assistant Secretary Loesch has stated publicly on several occasions that this is not a termination administration.

Indians have had a unique relationship with the Federal Government since its inception. The core of this relationship has been the trust status of Indian lands. Because of the existence of the "Trust Land Status", Indian tribes have continued to exist and provided some degree of continuity for their culture and some identity for their members.

I, like you, hold this trust sacred, not just because I am an Indian who has invested much time and effort to protect it, but also because I believe sound government policy dictates this view as derived from the Federal treaties, public laws, and court opinions.

We propose to undertake an extensive study of the Federal trust relationship to make it a more flexible instrument for Indian development while fully protecting Indian resources. I will invite Indian people, as well as other experts in Indian law; corporation law; and property law, to assist us in defining the best way to obtain this flexibility. This means a new role for the agency will become necessary to serve you.

Beginning with the Indian Citizenship Act of 1924, services available to all other citizens, in some measure, began to apply to Indians. Particularly since 1934, the landmark legislation enacted by the Congress, which resulted in the many new social and economic development programs to assist the disadvantaged, have been of benefit to Indian citizens. They have derived benefits from these programs, not so much on the basis of their being Indians, but more on the basis of their being citizens in need, who by most standards qualify for such programs.

In the 1970 fiscal year, it is estimated that the combined expenditures of all Federal agencies assisting Indian people will be approximately $500 million. At least one-half of these monies will come from agencies outside the Bureau of Indian Affairs.

The dramatic increase in kinds and levels of services from the Federal Government has had an extensive impact upon the lives of Indian people as well as the Bureau of Indian Affairs and has contributed to more meaningful and comfortable lives for thousands of Indians.

Yet as far as I can determine to date, the organizational structure and personnel deficiencies of the Bureau of Indian Affairs have prevented it from helping Indians organize to get optimum Indian utilization of this new array of programs and services.

The Department of Interior and the Bureau of Indian Affairs will seek to serve as a spearhead for developing other agency programs for Indians. It is our intent to stimulate, facilitate, and support the direct involvement and planning between the Indian people and other agencies and departments.

What I have in mind, is the development of a strong inter-governmental relations unit in the Washington office of BIA. This office will take the initiative and work with other agencies and departments, to insure that old as well as new programs, are designed to meet Indian needs. This unit also will work Regional and State offices, and local tribal groups to assure that Indians are getting their fair share of these programs.

This means the Bureau staff must work aggressively at the local level with tribal groups, State agencies, and Federal and regional counterparts to develop and assist in implementing a viable plan for the development of Indian communities and people. If Bureau funds are minimal and the community needs are maximum, our staff will be expected to search out additional program monies from other public or private sources.

What I am emphasizing is the fact that a primary role for the Bureau staff will be to improve the conditions of American Indian people by utilizing resources from the public as well as private sectors.

Under our administration, the thrust of the Bureau will be to advocate and create improved conditions of Indian life and to activate Indian involvement in all matters affecting their lives.

In order to do this, we must have a Bureau of Indian Affairs structure, from headquarters to the agency level, which will support and direct the development of this role.

I have taken the initial step by first attempting to pull my own team together. At this point, I have sent forward a number of names of persons who would join me in my efforts to restructure the Bureau. Among the names are a number of persons whom you know and respect as Indians and who have a long history of fighting for our Indian rights. I would welcome any suggestion you have about appointments at all levels within the Bureau of Indian Affairs.

I have had an opportunity to talk extensively with many of you here at this convention, and you have given me many good ideas about how to undertake a plan of restructuring. I shall certainly follow your good advice and counsel.

I can pledge to you, that we will do everything in our power to make the Bureau a more flexible organization which will be responsive to Indian needs.

In restructuring the Bureau of Indian Affairs, I should not like to commit myself to any particular method of operation we will be using an internal working group on the immediate matter of redirecting Bureau functions and staff roles. On the broader issues of policy affecting Indian people, I shall call together Indian persons and Indian groups as well as other persons to look at specific issues which need new direction and new definition. Areas like education from pre-school throughout adulthood; tribal governments; the basic rights of Indian people and legal services; the development of economically viable Indian communities; the identification of methods to make the broad range of community services available to Indian people; ways to enhance the development and creation of community institutions, and Indian control of such institutions; improved use of heirship lands, and a true look at Indian heritage, accomplishments, and contributions.

One of my special interests is Indian youth. They are the largest and fastest growing segment of our Indian population, and our greatest asset for the future of Indian people. Over the years, we have made great strides in education and training but we have also ignored many of the pressing problems that come about as our communities change. For example, many of our young people are growing up without homes or communities. We need to look at this and find ways for them to feel more secure in their development and environment. We will be looking towards new and different alternatives of education not only for the very young, but also on the secondary post-graduate, and graduate levels. To help in these plans, I am forming a special youth advisory committee responsible to my office. As we form our other committees, advisory groups, and task forces, young people will be asked to serve as an important part of these.

We will be asking a number of young Indian people to work with us in bringing insights and understanding to their problems.

No one person can hope to achieve the many things I have talked to you about. It will require negotiations and building of relationships and commitments to Indian people and their future and by we the Indian people for our future. In a sense, an Indian Commissioner is a tightrope walker, he must look clearly at the goal of improving the conditions of Indian people, the trust relationship and protecting and developing the natural resources and water rights of our people. To do all this, the Indian Commissioner must operate as a part of the governmental process bouncing on the tightrope, and yet, keeping his feet firm, his eye sharp, and maintaining the cooperation and support of this entire process and the Indian people.

You are my biggest asset in this job. I intend to maintain and continue open dialogue with Indian interest organizations, like NCAI, as well as Indian tribes and individual Indian people, so that on the difficult issues, I will have Indian understanding and support.

We invite you to join us as full partners in discussing, planning, and implementing programs and services to improve all the facets of Indian life.

President Nixon has pledged that "progress through participation on the part of the Indians is now the basis of this administration's efforts to make progress in every area of Indian affairs." Secretary Hickel also has underscored this pledge and I am determined that my performance as your Commissioner will warrant your confidence, patience, and support in achieving a program which will be beneficial to all of us.

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## MISCONDUCT OF ARMY GENERALS

Mr. YOUNG of Ohio. Mr. President, it has been disheartening to Americans to read in the newspapers in recent days and to hear via television and radio the scandalous accounts of the dishonest actions of Maj. Gen. Carl C. Turner in buying revolvers and guns from the Chicago Police Department claiming he was buying them for Government use. Then, this general appropriated these weapons, purchased by him under false pretenses for his own use and personal profit. In addition, he sought to defraud our Government by not reporting this income for tax purposes. Now that his nefarious actions have been exposed after a lapse of years, on advice of his lawyer he has belatedly filed an income tax return for the year 1966.

Could it be ignorance on the part of this general? I doubt it. It was a dishonest act from the outset. Thoughtful citizens must have a feeling of shock and outrage about the operations of General Turner.

It is evident that he is a disgrace to the Army, of which he was the top police officer. President Nixon was amply justified in summarily dismissing him as Chief of U.S. Marshals, a job he took following retirement from the Army.

Furthermore, it appears he was a co-

conspirator and certainly he aided and abetted in cheating servicemen along with a group of corrupt Army sergeants who drained U.S. service clubs and cheated their fellow servicemen throughout the world by "skimming" the "take" from slot machines, stealing liquor, and paying themselves exorbitant salaries. Instead of exposing and prosecuting them, the best that can be said for General Turner is that he covered up and concealed their crimes.

Mr. President, as a member of the Committee on Armed Services I have on a number of occasions listened to the testimony of top generals and admirals of our Armed Forces, including that of Gen. Harold K. Johnson, former Chief of Staff of the Army. I have had cause to wonder whether there is something deficient and defective and inferior in the education and training given to cadets at the U.S. Military and Naval Academies. I hope not. However, it might be well to consider having a subcommittee of the Committee on Armed Services make a thorough investigation of both the U.S. Military and U.S. Naval Academies. Frankly, I have been so well impressed by the appearance and testimony of Air Force officers, and from personal knowledge of the operations of the Air Force Academy, that I feel that it is our outstanding service academy.

It comes as no surprise to me that Gen. Harold K. Johnson, former Chief of Staff of our Army, now comes to the defense of his choice of William O. Wooldridge in July 1966, to become the first sergeant major of the U.S. Army. He admits he made this selection despite the fact that Wooldridge during his period of service in our Army was apprehended and found guilty by court-martial of committing a crime, and sentenced to a term of hard labor for breaking into two telephone coin boxes in London and stealing the money from those coin boxes.

Gen. Harold K. Johnson is now on the defensive and is hard put indeed to justify his decision disregarding Wooldridge's criminal record and selecting Wooldridge as the oustanding sergeant of many thousands of truly distinguished sergeants in the U.S. Army.

Frankly, his decision should not be cause for surprise. Having observed him and listened to his testimony in executive and open sessions of the Committee on Armed Services, I had every reason to question his intelligence and doubt his judgment. As an example, I cite the fact that he stated in committee, and the records will confirm this, that "Russia is our sworn enemy and its leaders are sworn to bury us." When I listened to him so testify, I concluded that he was parroting untruthful, ludicrous propaganda of the John Birch Society and the Liberty Lobby, so-called. I suspected he was very likely a member of that lunatic right-wing extremist fringe group, the John Birch Society, so-called.

Knowledgeable men and women in our country are aware that of the many wisecracks of Nikita Khrushchev, the one which most Americans remember best is "We will bury you." Taken in full context, Khrushchev made it crystal clear at the time that he did not mean war. He said:

I don't mean war. I mean competition. You say your system is best. We say our system is the best. Let's compete and see which is best.

General Johnson either was uninformed of that or purposely attempted to distort the meaning of Premier Khrushchev's statement for propaganda purposes.

I consider that General Johnson has been derelict in the performance of his duty in the high position in the Army which he held. His selection of Wooldridge and his recent actions in supporting and defending malfeasance and criminal acts have gone a long way toward causing the American people to question the judgment and integrity of all the generals of our Armed Forces. That is most unfortunate, especially at a period of our history when many Americans, for good reason, are questioning the judgment of our military and naval leaders.

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## TIME IS RUNNING OUT FOR THE BIG THICKET OF SOUTHEAST TEXAS

Mr. YARBOROUGH. Mr. President, in a penetrating and timely article published in the Living Wilderness, Mr. Orrin H. Bonney accurately depicts the danger confronting one of the Nation's last great wilderness areas—the Big Thicket of southeast Texas.

At one time, this beautiful and unique wilderness consisted of more than 3.5 million acres. Today, however, the Big Thicket has been reduced by insensitive and careless industrial operations to only 300,000 acres—one-tenth its original size. With every day that passes, the Big Thicket, which is the last refuge for many species of wildlife and has many unique combinations of plant growth, is reduced by 50 acres.

To save the Big Thicket from being completely destroyed, I have introduced S. 4, which would create a 100,000-acre Big Thicket National Park. This proposal has gained the support of civic and conservation groups throughout the United States. We must act now if future generations are to have the benefit of this beautiful area. Time is running out on the Big Thicket.

Mr. President, I ask unanimous consent that Mr. Bonney's article, entitled "Big Thicket—Biological Crossroads of North America," published in volume 33, No. 106, of the Living Wilderness, be printed in the RECORD.

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

BIG THICKET: BIOLOGICAL CROSSROADS OF NORTH AMERICA

(By Orrin H. Bonney)

Big Thicket, near the great population centers of Dallas, Houston, and the Beaumont-Orange-Port Arthur complex of East Texas, was once a sweeping expanse of about 3.5 million luxuriantly forested acres. It has been whittled down to less than one-tenth of its former size. But the 300,000 remaining acres contain great beauty, and habitats that are ecologically unique.

Most of its wilderness was raped decades ago, but Big Thicket has remarkable recuperative powers. Stumps decayed, and dense undergrowth recaptured the sites of old sawmill towns. And fortunately, there are areas that axe and machine have never reached.

Today, the last 300,000 acres of Big Thicket are under renewed attack. The entire acreage is privately owned, most of it by five lumber companies. Lumbermen, pipeline companies, and real estate promoters are racing to carve up Big Thicket at the dismaying rate of 50 acres a day. It is now or never if significant parts of Big Thicket's last 300,000 acres are to be preserved.

Citizen groups in Texas are preparing a comprehensive plan for preserving the values of Big Thicket and East Texas piney woods. With full details to be developed, the plan proposes, in essence, the following:

1. Unique specimen areas of Big Thicket to be preserved in their natural and untouched state. These would give the public an opportunity to observe, and scientists to study, the ecological progress of nature in the area. These should be under the jurisdiction of the National Park Service.

2. Wildlife areas of sufficient size and forest cover to be provided for restoration, habitat, and protection. Not only would this enable a species such as the rare ivory billed woodpecker to survive, but ultimately it would provide a reservoir of abundant game which would help stock outlying hunting territory and leased hunting preserves. These wildlife areas should be under the jurisdiction of a State or Federal bureau, preferably under the U.S. Fish and Wildlife Service.

3. Timber management areas to be established for timber harvest and multiple use under concepts similar to the U.S. Forest Service and with all conflicting use and developments prohibited. These should be under U.S. Forest Service and forest industry jurisdiction. The forest industry of East Texas cannot survive encroachments of subdivisions, weekend homes, the construction of concrete canals, the drainage of woodlands, and false notions of what combinations of trees will produce the best forest.

4. Rivers and streams with a wide corridor on both sides to be preserved in their natural beauty, accessible to canoeists for primitive camping our forefathers once enjoyed. The Neches River corridor should encompass the entire floodplain.

5. Highways bordered with a deep corridor of natural forest, preferably one-half mile each side, to provide access and sightseeing to Texas' greatest tourist attractions, so long unnoticed. The streams and adjoining corridors could be preserved by State and Federal laws within the concepts of the National Wild and Scenic River System Act. The highway corridors could be part of highway planning, State and Federal.

6. Recreational facilities, including camping, boating, horseback riding, and hiking, to be provided to reasonably handle the masses of visitors who will inevitably visit this beautiful section of Texas to enjoy its lakes and great out-of-door features—but with such areas set apart so that the unique units will not be trampled, developed, endangered, and destroyed. Since timber management, hunting, and grazing are compatible with most of the recreational objectives, these could be under the jurisdiction of the U.S. Forest Service.

This plan is by no means as complex as it may appear. While U.S. Senator Ralph Yarborough of Texas has introduced a bill (S. 4) to establish a Big Thicket National Park of "not less than 100,000 acres," this does not appear to be sufficiently comprehensive to protect all that should be protected of this unique area—as Senator Yarborough himself hopefully would agree. A proper test of public opinion both in Texas and in the Nation with regard to the comprehensive plan outlined above would undoubtedly be welcomed

both by Senator Yarborough and by U.S. Senator Alan Bible of Nevada, who heads the Senate Committee on Interior and Insular Affairs, which is considering the Yarborough bill.

Time is running out for Big Thicket. The whole Nation stands to lose if this "biological wonderland" falls to the axe and the developer.

## ADDITIONAL ALABAMA CASUALTIES IN THE VIETNAM WAR

Mr. ALLEN. Mr. President, on September 26 I placed in the RECORD the names of 908 Alabama servicemen who were listed as casualties of the Vietnam war through July 16. In the period from July 17 through October 3, the Department of Defense has notified 34 more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 942.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names and the next of kin of 34 Alabamians.

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

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA IN CONNECTION WITH THE CONFLICT IN VIETNAM, JULY 17 THROUGH OCTOBER 3, 1969

ARMY

Second Lt. Dan B. Yarbrough, son of Mrs. Ralphina B. Yarbrough, 803 Osceola St., Wetumpka 36092.

Cpl. M. Beverly, son of Mr. and Mrs. Robert E. Beverly, 1605 North Ward St., Greensboro 36744.

Cpl. Daniel A. Bolduc, husband of Mrs. Linda N. Bolduc, 621 Borland St., Geneva 36340.

SSg. Raymond H. Hardin, husband of Mrs. Eula D. Hardin, 38 Gunter St., Riverside Drive, Montgomery 36104.

Sfc. George W. Pierce, husband of Mrs. Florence J. Pierce, Rt. 5, Box 40, Anniston 36201.

Pfc. Virgil L. Castle, son of Mr. Oza L. Castle, c/o Mr. Jackie Bass, 512 Glenndale Ave., Florence 35630.

Pfc. Billy W. Earp, husband of Mrs. Margie G. Earp, 1303, 5th Ave., SE Decatur 35601.

Sp4. James L. Johnson, son of Mr. and Mrs. William D. Johnson, Rt. 1, Eldridge 35554.

Sp4. Richard M. Wise, son of Mr. and Mrs. Marvin Wise, Box 125, Dora 35062.

Pfc. Thomas D. Jones, husband of Mrs. Barbara L. Jones, 6512 Court F, Fairfield 35064.

Sfc. William N. LaGrone, husband of Mrs. Betty M. LaGrone, Chalkers Trailer Court, Daleville, 36322.

Sp4. Bobby Riddle, husband of Mrs. Peggy J. Riddle, Rt. 2, Box 322–C, Selma, 36701.

Pfc. James C. Tosh III, son of Mr. and Mrs. James C. Tosh, Jr., 4801 Chaudron Dr., Mobile, 36618.

SSg. Sam J. Small, Jr., husband of Mrs. Georgia M. Small, 554 South Franklin St., Mobile, 36603.

Pfc. Carl C. Harris, son of Mrs. Hattie R. Williams, 1503 Hardaway St., Montgomery, 36106.

Pvt. Dennis L. English, son of Mr. Sammy English, Rt. 5, Box 274, Russellville, 35653.

WO1 Barry B. Coers, huband of Mrs. Patricia A. Coers, 107 Forrest St., Headland, 36345.

Sfc. Ralph E. Johnson, husband of Mrs. Mary L. Johnson, Rt. 2, Box 316–A, Jacksonville, 36265.

Cpt. Richard C. Miller, son of Mr. and Mrs. Richard L. Miller, 400 Gale St., Jacksonville, 36265.

Pfc. Gary C. Harwell, son of Mr. and Mrs. Herman L. Harwell, Rt. 2, Box 506, Athens, 35611.

SSg. Lewis E. Wood, husband of Mrs. Madeline J. Wood, Rt. 3, Guntersville, 35976.

Pfc. James D. Darwin, husband of Mrs. Martha J. Darwin, Rt. 1, Dutton, 35744.

Sgt. Donald W. Churchwell, husband of Mrs. Nancy Churchwell, Rt. N, Box 85, Birmingham, 35217.

Pfc. Johnnie R. Miller, son of Mr. and Mrs. J. D. Miller, Rt. 1, Box 148, Mt. Olive, 35117.

Pfc. David W. Smith, son of Mr. and Mrs. George W. Smith, Rt. 3, Box 280, Opelika, 36801.

WO1. David R. Jackson, husband of Mrs. Mary W. Jackson, 211 Terrace St., Sheffield, 35660.

MARINE CORPS

Pfc. Gwyman Stribbling, son of Mr. and Mrs. Evans Fox, 2228 29th Ave., North Birmingham.

Cpl. John C. Whiteside, son of Mrs. Gladys W. Whiteside, Rt. 5, Box 231, Fayette.

Pfc. John R. Watts, son of Mr. and Mrs. William E. Watts, 6152 Court M. Ensley, Birmingham.

Lcpl. William F. Davis, Jr., son of Mr. and Mrs. William F. Davis, Rt. 1, Vina.

Pvt. Johnny R. McKenzie, son of Mrs. Margaret Clapper, Rt. 5, Box 231, Phenix City.

1st Lt. Robert E. Lavender, husband of Mrs. Theresa M. Lavender, 3794 South Court St., Montgomery.

AIR FORCE

Capt. Kenneth J. Hamrick, husband of Mrs. Louise M. Hamrick, 620 Parkman, Selma, 36701.

NAVY

Fn. (Fireman) Lonnie R. Parker, son of Mr. and Mrs. Johnie Parker, 1029 Barnes Dr., Bessemer.

## BITTERNESS IN VIETNAM

Mr. McGEE. Mr. President, in his continuing reports from Saigon, Crosby Noyes, of the Washington Evening Star Thursday spelled out a point which bears attention; namely, that to those on the scene, who are fighting for survival, the most extreme critics here in America are quite literally "The enemy." Those are strong words—almost as strong as those used by some of the more critical elements here at home. Those who hope for defeat in Vietnam advocate sheer lunacy from the standpoint of the overwhelming majority of people on the scene, no matter what their nationality, reports Noyes.

I ask unanimous consent that Mr. Noyes' report be printed in the RECORD.

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

BITTERNESS IN VIETNAM MAKES WAR CRITICS "ENEMY"

(By Crosby S. Noyes)

SAIGON.—It is distressing, though not particularly surprising, that many of those who are fighting and working in Vietnam have come to refer to parts of the American press and some political leaders as "the enemy." They mean it, furthermore, just as literally as when they speak of the Viet Cong in the rice paddies and the government in Hanoi.

This is not a military-civilian or even a hawk-dove antagonism. The differences are much deeper than these terms would imply. And the enmity, quite certainly, is mutual.

The bitterness encountered in Vietnam is the bitterness of men who feel that they have been betrayed. They have come to believe in the job that they were sent out here to do. Far beyond the rhetoric of any political speech or newspaper editorial, they understand what has been accomplished here—and at what cost—and what remains still to be done. For them, "the enemy" is anyone who stands between them and the objective.

Anti-war sentiment they understand well enough, particularly among the young people who are being asked to bear most of the sacrifices that the war entails. Other aspects of American policy such as the stopping of the bombing of North Vietnam, the peace talks in Paris, the Vietnamization of the war and the withdrawal of American troops, they have accepted dubiously as elements of a higher diplomacy.

But it has been hard for them to accept the fact that some Americans—including some who hold positions of authority—should be actively working against the success of the American effort here.

It is only recently that they have come to realize that there are a considerable number of Americans who pray that the war in Vietnam may be lost for what they consider to be the most high-minded and patriotic reasons. The main reason, quite simply, is the hope that a defeat in Vietnam will demonstrate once and for all the futility, if not the immorality, of using American power to change the political and military equations in such areas of the world as Southeast Asia.

This is perhaps a tenable point of view in Washington, but it is not congenial to people who are fighting a war of survival. And since the objectives of the two groups are directly contradictory, it is inevitable that they should have very different ideas about the course American policy should take in the future.

To the overwhelming majority of people in Vietnam—regardless of their nationality—the ideas of the American opposition add up to sheer lunacy.

As they see it, the United States, after four years and an immense sacrifice of blood and treasure, has achieved a position of clear military and political superiority over an implacable and determined enemy. To them, it is simply unthinkable that this position should be abandoned in the illusion that the chances of a peaceful settlement of the conflict would be improved.

Nor is the military position by any means the only one being threatened.

In the course of the same four years, the political strength of the government in Saigon has been significantly increased. After a long series of military coups following the assassination of Ngo Dinh Diem, the present government has remained in power since 1965.

During this time, a national constitution has been promulgated, a national assembly and other democratic institutions have been created, and elections have been held on both the national and local levels.

With all this, it may be that the regime presided over by Nguyen Van Thieu is something less than a model of liberal democratic government.

Below the top level, there is undoubtedly some corruption, as there is in most governments. Newspapers and politicians who have been sympathetic to communism have been dealt with severely. Nevertheless, in the opinion of the most competent observers here, the Thieu government is the most secure, the most effective and the most widely supported of any that South Vietnam has ever had.

And the result is that this same government is now the object of the most unbridled attack from opponents of the war that has been seen since the days of Diem. People in

Washington who know literally nothing about Thieu or the realities of Vietnamese politics rise daily to denounce the Saigon regime as corrupt, repressive and unrepresentative.

The common theme is that it is the Thieu government, rather than the leaders in Hanoi, Peking and Moscow, who represent the real obstacle to peace in Vietnam. In order to remove this obstacle, it is suggested that the Saigon regime must somehow be coerced into stepping out of the picture to make way for a "coalition" with the Communists, who would then, presumably, conclude an honorable peace.

Fortunately, nothing of the sort is likely to happen. At this point, it is most improbable that the Thieu government can be forced by anyone into surrendering South Vietnam to Communist rule, no matter how loudly and insistently "the enemy" may demand it.

## ADEQUATE POWER FOR THE PACIFIC NORTHWEST

Mr. MAGNUSON. Mr. President, I commend to all Senators a speech delivered by the senior Senator from Oregon (Mr. HATFIELD) before the Board of Realtors in Portland on October 1, 1969. I was particularly pleased to see the Senator's emphasis on what I consider to be one of the great problems in the Pacific Northwest—that is, the problem of providing adequate power to meet the needs of the future without damaging our environment or our ecology.

I think that the Senator from Oregon has spoken persuasively and with great insight on this pressing problem.

It is also of significance to notice the impact of the President's decision to curb construction projects; particularly as it affects the ability to meet our power requirements. I commend this speech to the Senate because it stresses the necessity for reexamining our national priorities in light of domestic demands. These are demands which must be answered now if we are not to seriously detract from our quality of life.

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

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

SPEECH BY SENATOR MARK O. HATFIELD BEFORE BOARD OF REALTORS, PORTLAND, OCTOBER 1, 1969

When I was elected Governor in 1958, Oregon was in an economic slump. We had a high unemployment rate; our people had less than the national average per capita income; we had a great outflow of our young brainpower from the State, and we were dependent, primarily, upon one industry for our livelihood.

My administration went forward vigorously with an economic development program and, I think, we proved that Oregon could make progress by diversifying and increasing employment opportunities and still improve the livability of our environment. Our industrial base had broadened, our per capita income has increased, and this has brought with it the means to enjoy more leisure time.

During the period I was Governor the Oregon State Sanitary Authority became increasingly active in both air and water pollution control.

The 1959 session of the Legislature gave responsibility to the Commission in air pollution control similar to what it had in water pollution control.

These laws were strengthened in each succeeding legislative session while I was Governor.

Air quality control programs were adopted in Portland and most of the Willamette Valley during this period. More than $6 million was invested in air quality control facilities; more than $86 million was spent in water pollution control during the same period.

The population of Oregon served by sewage treatment increased from 90% in 1958 to 98% in 1966. The pulp and paper industry installed year around primary treatment facilities and commenced installation of secondary treatment.

This was done during a period of extensive additions to our economic base.

I have continued to work for legislation which would provide for the outdoor recreation needs of all our people. Last year, I sponsored a bill (which passed the Congress) to create the Mount Jefferson Wilderness Area, composed of 100,000 acres in the Central Cascades. I have introduced legislation to create the Eagle Cap Wilderness Area in the Blue Mountains of Wallowa County. Hearings on this bill are planned for La Grange later on this year. I have introduced legislation to provide for a study of the Cascade region north of Crater Lake for the purpose of determining the feasibility of a national park in that region.

As a member of the Senate Interior Committee, I shall continue to work for the greatest development and use of our remaining lands for the recreational use of our growing population.

But today, despite the great progress Oregonians have made, despite the fact that Oregon has continued to enjoy economic advancement—along with increased opportunities for recreation and a way of life which has made our State the envy of the Nation—the dangers of which I have warned in the past are upon us.

Today, there are those who would place a moratorium on the continued growth of this area. Today there are those who would relegate Oregon to a role of playground for the rest of the Nation. There are many who seem willing to ignore the fact that with a loss of vital payrolls, we would also lose the money-in-pocket to enjoy such a playground.

Where are those among us with the vision to see that, with proper planning and money, Oregon can have economic advancement and maintain an environment that enhances the life of its citizens?

We are literally at a crossroads, a point in time where an improper turn will within a very short period affect each of you, as well as every other citizen of our state and nation.

You have read in recent weeks of the National Administration's announced intention, to curtail federally-funded public works and other new construction, and to withhold funds for these purposes by some 75 per cent.

The full impact of this announcement is difficult to assess in the absence of details applying to specific projects or programs. But it is clear that any curtailment of federal construction money at this time will irreparably damage both the economy and the environmental excellence of our state.

The Mayor of Salem was in my office recently pleading for federal funds for sewage systems so that the Willamette River could be made a decent waterway. I continually read in the newspapers of the crisis conditions in other cities of our State which just do not have the tax monies to make their rivers usable for either industry or private citizens.

If federal money is curtailed (which follows a three-year period of budget cuts and stretchouts) then our vital flood-control projects, power generation plants, navigation, irrigation, recreation, and all water quality control and other water resource facilities in the Columbia River Basin will be dangerously damaged. These cutbacks affect the economy; they affect the livability of our state, and not only the health of our people, but the esthetics—the quality of life in our state.

Because of the fact that the major part of our land is federally-owned, its forests and water resource development programs are largely federally-managed, Oregon perhaps to a greater degree than any other State will suffer from these federal cutbacks.

Our air is becoming unbreathable, our water is becoming unusable, our cities are rapidly becoming unlivable. But there is no reason why we must let our environment deteriorate in this way. Our nation's financial resources and technical knowledge are more than sufficient to prevent this—if we but use them wisely. We find ourselves presently confronted with this crisis because of our past folly and irresponsibility. Our own values and priorities must be reoriented if we are to renew the fabric of our society and its physical environment.

In the FY69 budget, only $250 million dollars were appropriated for programs of research and investigation relating directly to environmental quality. The sum total of money is equal to the cost of only three days of the war in Vietnam.

I certainly recognize the urgent necessity for halting the terrible inflationary spiral we are caught in. But I seriously question cutting back on the kind of federal investments which have in the past demonstrated tangible monetary returns and which have provided sound economic development—and at the same time they have allowed balanced and maximum use of our natural resources.

Consider one potential wealth-producing area of investment, alone.

The U.S. Army Corps of Engineers, for water resource development, had a backlog of some $8½ billion in construction work throughout the Nation; the total today is $10 billion. In the Pacific Northwest, the total authorized but unconstructed federal civil works programs amounts to about $40 billion. And construction costs keep going up. Any delay would add some $2 billion a year to the eventual total costs! Just in the interest of sound fiscal investment and management of our tax money, we cannot permit these cutbacks to happen.

Our national budget is dominated by military expenditures, and our Nation's internal strength is being severely depleted by the continuing war in Vietnam. Thirty billion dollars a year (or about one out of every five of your tax dollars) goes to pay for this effort. This means that today, alone, some $82 million is being spent on the Vietnam war.

The experts tell us it will cost the Nation from $12 to $15 billion to make our air again fit to breath, and that we should spend from $25 to $30 billion in the next five years to clean up our rivers, streams, lakes and bays.

Somehow we seem to find all the money necessary to spend in Vietnam, but we cannot allocate sufficient funds to meet our pressing environmental needs at home. As we spend billions to devastate the land of Vietnam, our own land suffers gravely from neglect. We just must reverse the present trend. In Oregon alone this will take billions of federal dollars.

We can spend $700 million for the initial stages of the multi-billion dollar Anti-Ballistic Missile system, but the Administration allocates a similar amount for the Nation's Corps of Engineers budget—when we have a $10 billion backlog of construction!

We can spend $1 billion dollars for a nuclear aircraft carrier (the U.S.S.R. has none) and provide a pittance for our model cities program—only $287 million has been authorized for 1971.

We allocate meager sums of money for housing at a time when the cry for decent

housing for middle- and low-income families fills the land. Housing, without doubt, is one of our most serious domestic needs.

Mr. Edward P. Cliff, Chief of the Forest Service, has testified that current demand for timber products in the United States is over 13 billion cubic feet annually. He expects the demand to almost double by the year 2000 to 23 billion.

We are producing half of our national housing goal of 2.6 million houses a year. One billion cubic feet of lumber products produces about 100,000 houses.

Chief Cliff has also testified that with sufficient funds to manage our National Forests properly, they would be capable of producing 21 billion cubic feet a year. This, along with privately-owned forests, will meet our housing needs.

More than adequate funds for intensive forest management are generated from the sale of timber. Congress has not, however, appropriated a sufficient amount to permit the harvesting of timber up to the full capability of our forests. The instability of our lumber markets is due substantially to this.

These administration cutbacks for domestic programs leads me to keep pounding away in the Senate on the urgent need to reorder our spending priorities in this country.

We need this federal money for housing, we need money for water and power resource development in Oregon and in the whole country. We need to change our priorities for Government spending.

It is not difficult to establish a case for a revision of national priorities in spending. At the present time about $53 of every $100 paid in federal income taxes goes directly to the Department of Defense. Further, about $5 is devoted to veterans' payments, and almost $11 goes to pay interest on our national debt, incurred from past wars. (Incidentally, we have spent one thousand billion dollars on military spending since World War II.)

Thus we find our Government spending about $70 out of every $100 it collects in taxes to pay for the cost of past and present wars and for defense and military weaponry for the future.

The $30 remaining out of the $100 in taxes must be meagerly divided between housing, education, health, social services, space, agriculture, commerce, transportation, international assistance and natural resource development.

Only $1.26 of the 100 tax dollars goes to water resource development programs which are so vital to Oregon's economy.

There can be no question about the need for a strong national defense, and I am a strong believer in this goal. But let me remind you of the words of one of our Nation's greatest national and military leaders, Dwight David Eisenhower. He said:

"Every addition to defense expenditures does not automatically increase military security. Because security is based upon moral and economic strength as well as military strength, a point can be reached at which additional funds for arms, far above bolstering security, may weaken it."

When President Eisenhower left office, defense expenditures totaled about $45 billion annually. Today, the figure is in excess of $80 billion. Perhaps you will agree that the words of Eisenhower apply to our day, and that continued military expenditures must not be left unchallenged and unquestioned. I am pleased to note that the Chairman of the Federal Reserve Board just last Saturday said we should cut our military expenditures by 10 to 15 billion dollars.

Remembering the comparatively insignificant sum of money allocated to natural resource programs, it is ironic to note that almost without exception, such programs not only build the economy and enhance the environment, but make a profit for the federal treasury.

Therefore, is it not better to place priorities on the enhancement of life rather than its destruction?

Our federal forest programs annually return to the federal and local treasuries sums far in excess of expenditures.

The Federal Columbia River System power program can be similarly measured. The Nation is getting a good return on its investment, even when only cold dollars and cents are considered.

Power revenues have been in the past and will continue to be sufficient to amortize the federal investment, while at the same time paying the cost of other important benefits along the way.

Clearly this is a wealth-producing program for Oregon, even if we disregard myriad additional benefits, such as flood control, navigation, irrigation, recreation and water quality improvement.

The contribution of the federally-operated Columbia River Power System to the well-being of this area, and the Nation, is of such magnitude and importance that any thought of its diminution through neglect by the Federal Government is totally incomprehensible to me.

I very much fear a polarization of attitude is developing between Oregonians. The average citizen, the housewife and the wage-earner all have a tremendous stake in this matter. And it is unfortunate that this polarization of attitude is taking place.

Those of us who suffered from loss of jobs, the slowdown or shutdown of industries and businesses from a cutting off of our power resources during the Columbus Day storm of 1962 well know the meaning of a "brownout" or a "blackout". We need no reminder of the adverse economic impact which can result from the curtailment of electrical energy from these important public works.

We know, too, that the electroprocessing and other industries of this area which are direct customers of Bonneville Power are among our principal payroll producers. These industries both in the Northwest and across the Nation will be immediately and directly affected by any power curtailment.

Bonneville has warned that they cannot renew existing contracts with these firms. Unless there is a reversal in the current trend of government spending, the electroprocessing industry in the Northwest as we know it today may be gone by the late 70's.

The list of nationally and internationally known firms with home offices or substantial branch operations in our state is long and imposing. Tektronix, Field Emission, Omark, 3–M, Reynold, Harvey, Hanna, Weyerhauser, Georgia-Pacific—these are only a few of the industries who have found the quality of our environment powerfully attractive in encouraging executives and others to come to Oregon.

When I was governor, I warned in countless speeches about the continued need for sound long-range planning, lest the environmental factor be overlooked and diminished. The existing balance between the economy and the environment could be knocked askew—either through a disregard of fundamental facts or the unwillingness of government, business or individual citizens to jointly participate in programs designed to maintain Oregon's livability and to insure continued economic progress.

In my final address to the Oregon Legislative Assembly I spoke of the population increase, the advancement in our educational system, the job development programs which had resulted in more than 180,000 persons being added to our business and industrial payrolls, the new plans and expansions totalling over 700, the development of more than 30 new state parks and waysides, stronger pollution control, and initiation of a comprehensive long-range water study.

All of these programs combined during the period 1959 to 1967 when I was governor to help assure that our important economic-livability balance was maintained.

Today, despite the gains we have made, the dangers of which I warned then are upon us now.

In recent weeks I have written to and conferred personally with President Nixon on these matters, particularly stressing the magnitude of their importance—not just to Oregon, but to the entire Nation.

For instance, our Northwest aluminum plants produce ingots and other forms which are, in turn, shipped to plants in Michigan, Kentucky, Iowa, Ohio, Pennsylvania, Illinois, California, New Jersey, Indiana and Arizona. Any curtailment of production in Oregon—because of construction cutbacks and potential brownouts—would adversely affect other areas as well.

During 1967, Northwest electroprocessing plants served directly by Bonneville Power employed over 13,000 people with total wages and salaries of over $106 million. Total direct and indirect regional employment, attributable to industries served directly by BPA, is estimated at 41,000.

These industries bought materials and supplies totalling about $105 million from our Pacific Northwest industries. Freight payments were about $52 million. Payments for electric power purchased were about $46 million. State and local taxes paid by these plants approximated $10 million. Net plant additions during 1967 exceeded $97 million. In total, Northwest electroprocessing plants served by Bonneville spent $417 million within the region in the single year of 1967.

Clearly then, if Bonnneville's forecast of cutbacks in electric power (which was announced even before the recent Administration threat of 75% curtailment in new construction), becomes a reality, Oregon, the Pacific Northwest and the entire Nation will suffer immense damage.

The warnings are clear, there is still time to reverse the trend, to take the right road and to avoid the consequences of shortsightedness.

We are not faced with an either-or situation on this matter of power-generating projects versus environmental protection or enhancement.

Aside from the necessity for proper planning, the compatibility of power generation programs and environmental protection has been reinforced through establishment of appropriate policies at all levels of government and throughout the private sector.

The Federal Water Quality and Clean Air Act guarantees this king of environmental protection and improvement. At the same time, if implemented by federal money, it can make possible the strengthening of our economy and the creation of new wealth—wealth which I maintain is necessary for the enjoyment of a higher than average standard of living, wealth which is necessary for purchasing new homes, as well as money for leisure and time pursuits so important to our way of life.

Unfortunately, because of military spending and the inflation which has resulted in such inordinate purchases of weaponry, the money has not been available in the federal budget to meet our important resource needs.

Spending for water resource and power-generating plants can go hand-in-hand with providing needed recreational development. On the mainstream of the Columbia, the building of dams and reservoirs has opened the great out-of-doors to additional millions of people. On tributary streams the private utilities have also made provisions for the recreation needs of our citizens.

But those who criticized and attempted to block plans for construction of Bonneville Dam 30 years ago have counterparts in our day. Just as in the early thirties, there was an unwillingness to face the facts of life which made the building of Bonneville a necessity. We find a similar unwillingness to face facts today.

The growth of Oregon, population-wise, to more than double its size in 1937, and the forecast of an additional increase over the next two decades to a point where Oregon alone will have nearly three million people (with corresponding increases in the de-

mand for electrical energy for everything from toasters to irrigation systems) make inescapably obvious the course we must take. We just cannot take a pill and make these people disappear—they are here and their needs must be provided for.

In addition to the increase in costs which construction delays have brought to date, we must add losses which accrue through failure to meet timetables. The failure to make federal funds available, for instance, for Lower Granite Dam completion, or for the complete installation of additional generators at The Dalles Dam, will sacrifice flood control and power generation vitally needed and will compound total future costs not only to our region but the entire Nation.

In the case of the Dalles Dam, the Federal Government has invested almost a quarter of a billion dollars. Yet the present cutback on installation of final generating units comes at a time when the project is nearing the point of generating maximum returns on investment.

Instead, a lack of funds means that some of the turbines and generators now on order will have to be stored if delivered on schedule.

Budget matters, beyond the restoration of recent cuts and threatened curtailment by the Administration, are within the realm of Congress and its appropriations committees. I shall continue to fight the strongest battles before these committees. But this, in itself, is not enough.

We in the Northwest delegation must continue to make these administration budget-cutters realize that we in Oregon and the Northwest are not wholly provincial—that our water resource developments, our forest programs, our electical-generating capabilities are inescapably tied to other areas of the Nation and that the well-being of all of our citizens is at stake.

Therefore, there must be an increased public awareness, an increased public demand, if you will, an upswelling of public opinion directed toward the administration, demanding that America's needs be met financially in areas other than military.

There should be no pitting of one group against another through a blind ignorance of the facts or an absence of accurate data with which to support our cause.

There must be a recognition on the part of all of us that unless we move ahead now, confidently and vigorously, toward meeting our electrical energy requirements, we will have sacrificed this region's opportunity for greatness.

And at the same time we will have created unnecessary hardship for our Oregon citizens as well as in other areas of the Nation.

With sound planning and adequate financing, we CAN meet the environmental and economic needs of our people in Oregon.

But we cannot speak with divided voices. We must unite if we are to safely meet the crisis that we face. If we do we will move steadily towards economic stability and the maintenance of Oregon's livability which we treasure.

## THE TONIC OF WILDERNESS

Mr. NELSON. Mr. President, for years this country, happily on its way toward urbanization, industrialization, and prosperity, saw nature as something to be conquered and exploited. Judging from articles I read in newspapers and magazines and from the mail I get from citizens who have seen the effects of this attitude on our streams and air, it is evident that there is grave public concern about this problem.

This concern over the environment has led me to propose a national "teach in" this spring that will enlist the energy and involvement of our young people in the solution to this national crisis.

An editorial published in the Madison, Wis., Capital Times indicates the particulars that concern the citizens of Madison, calls for a halt to the plunder of the American landscape, and points up the need for a Federal agency to oversee the environmental implications of all Federal policies and projects. I am optimistic that legislation now close to congressional enactment to create an Office of Environmental Quality and a Board of Environmental Quality Advisers will be a major step toward filling this need.

The article, although using local examples, hits upon a national concern. I ask unanimous consent that it be printed in the RECORD.

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

IS AMERICA DESTROYING ITS "TONIC OF WILDNESS"?

"We need the tonic of wildness," wrote Henry David Thoreau. ". . . We need to witness our own limits transgressed, and some life pasturing freely where we never wander."

Whether our own children will experience that "tonic" is now an open question. For the American landscape, even that part which has traditionally been protected from commercial exploitation, is under assault from all sides.

The Sierra Club, that fierce guardian of the nation's dwindling wildlands, has been fighting an uphill battle for several years to keep the Walt Disney organization from turning Mineral King Valley in California's Sierra Nevada mountains into a year-round alpine ski resort.

The 1,500-acre tract of towering sequoias, crystal lakes and protected wildlife may yet succumb to the polluters and private profiteers, despite a recent federal court injunction which blocks development temporarily. The prospect is doubly outrageous, in view of the fact that Mineral King is publicly owned (officially designated the Sequoia National Game Refuge), and is in the stewardship of the National Forest Service.

The Everglades National Park in Florida, the last such aquatic wilderness on the Eastern Seaboard, also appears doomed by a jetport under construction just to the north.

In Michigan's upper peninsula, Sylvania, a 29-square mile wilderness tract which is part of the Ottawa National Forest, is threatened with permanent degradation by the U.S. Department of Agriculture, which wants to turn it into a recreation area.

Closer to home, a Navy Communications installation, ironically dubbed "Project Sanguine," promises to disrupt the beauty and the ecology of the Chequamegon National Forest in Northern Wisconsin.

Conservation groups, and aroused citizens who have never before been moved to action, have raised anguished cries of protest in all of these cases.

A mini-battle along the same lines is underway here in Madison to prod city purchase and preservation of an 11-acre glaciated park and pond on the city's Far West Side.

In each of these instances, and in hundreds of related battles across the country, the issue is basically the same: whether man will continue to gorge and gobble and pollute the land that sustains us all, until we have nothing left but a sterile desert of asphalt and throwaway cans.

Surely it is time to call a halt to such plunder of the American landscape.

We need to establish a federal conservation "ombudsman" agency, empowered to safeguard the nation's vanishing natural resources from further debasement.

And fundamentally, we need to develop a strong set of environmental ethics, to nurture an affection and respect for the natural landscape that will override our willingness to degrade it with cancerous Disneylands. The time is now.

## IMPORTANCE OF SOUTHEAST ASIA AND THE INDIAN OCEAN

Mr. McGEE. Mr. President, the Washington Evening Star, on October 9, 1969, through correspondent Maxwell Grant, in Melbourne, published a significant dispatch reporting on a key foreign policy and defense address by Prime Minister John Gorton.

The Australian Prime Minister's remarks point up his government's continued emphasis upon the importance of Southeast Asia and the Indian Ocean. In his speech, a radio and television address to the Australian nation, the Prime Minister said his nation will continue to take a vital interest in the Southeast Asian region. I ask unanimous consent that the Star's report on the speech be printed in the RECORD.

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

GORTON REAFFIRMS POLICY ON AUSTRALIA-UNITED STATES DEFENSE

(By Maxwell Grant)

MELBOURNE.—Prime Minister John Gorton, in a key speech for the Oct 25 national election, has placed heavy emphasis on Australian defense and foreign policy.

Speaking last night on nationwide radio and television, Gorton made it clear Australia—under his leadership—would increase her defense capacity and continue to take a vital interest in the Southeast Asian region.

The highlights of his speech were these:

Australian troops will remain in Vietnam until South Vietnam is assured of the right to choose its own government. Australian withdrawal with be phased in with a continued reduction of U.S. forces if it occurs.

Armed forces will be maintained in the Malaysia-Singapore area. The capacity for swift additional assistance for Australian regional security pacts in the Asian area will be supported, but Russian participation or establishment of Russian military or naval bases in the region will be opposed.

Australia will not sign the nuclear nonproliferation treaty until she is sure it is effective.

The Royal Australian Air Force will get new fighter, reconnaissance and strike aircraft. The Navy will get new ships, including light destroyers.

There will be continued cooperation with America to build bases in Australia.

The draft will be continued to keep the army up to at least its present strength of nine battalions.

Money spent on defense will be progressively increased in the year ahead "for to do less would weaken our security and invite the suspicion of our allies both within the region and without."

Several times Gorton referred to the importance of the Indian Ocean;

"We believe that broad considerations of Australia's geopolitical position and national development point to the conclusion that naval support facilities in Western Australia will also be required in the future.

"Our fleet numbers will increase and we will have to take an increasing interest in the Indian Ocean as the British withdraw."

He said that Learmonth Airfield, in West-

ern Australia, is to be expanded to an operational base on the Indian Ocean.

PRAISES LINK TO UNITED STATES

Gorton praised the American-Australian alliance, saying "our alliance with the United States under the ANZUS pact is "vital to our defense. It requires that we should be true allies, that we should be prepared to give, as well as expect to receive, assistance.

"Therefore, we shall continue to cooperate with the United States in the construction of bases for our joint defense, bases of value to us both, in Australia."

The prime minister's defense statements contrasted sharply with those of the leader of the opposition Labor party, Gough Whitlam, who went on the election trail with his policy speech a week earlier.

Whitlam said a Labor government would withdraw troops from Vietnam before the end of June 1970.

A recent Gallup Poll showed more than 55 percent of Australians favor immediate withdrawal.

Whitlam said that if he were prime minister, Australia would sign the non-proliferation treaty.

There would be regional arrangements for the standardization of defense equipment, abolition of the draft, reform of conditions for the permanent army and negotiations to replace the F111C aircraft Australia has ordered from America.

MINORITY REASSURED

Gorton's statement will reassure the minority Democratic Labor party, which was alarmed at what was called External Affairs Minister Gordon Freeth's soft line towards Russia in a speech on Aug. 14.

Though lacking in detail, Gorton's speech will certainly satisfy the DLP and prevent their implied earlier threat to take second preference votes away from the Liberals. In this election, those preferences could be crucial in getting John Gorton and his Liberal-Country party coalition back into office.

## OPPOSITION TO THE WAR IN VIETNAM

Mr. MONDALE. Mr. President, on Wednesday, October 15, many persons throughout the Nation will gather to express opposition to our continuing involvement in Vietnam. Not since the civil rights march of 1963 have so many Americans felt the need to express publicly and visibly their views on national policy.

An editorial published in the Minneapolis Tribune of October 12 eloquently expresses the hope that this moratorium on the war in Vietnam will hasten the end of a senseless and tragic war—a war which few Americans understand or support. I ask unanimous consent that the editorial, entitled "Wednesday's Demonstrations on Vietnam," be printed in the RECORD.

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

WEDNESDAY'S DEMONSTRATIONS ON VIETNAM

As Wednesday draws closer, one recalls the Civil Rights March of 1963 and how it touched the consciences and hearts of millions of Americans.

Across this land, on Wednesday, there will take place marches and demonstrations and vigils, this time not for civil rights but for peace.

The 1963 march, despite fears of violence, was peaceful—and successful. Various types of civil-rights and social legislation followed. The nonviolent nature of the protest was one reason for its success.

Despite the expected participation of radicals (such as members of the SDS) on Wednesday, we believe most demonstrations probably will be orderly and peaceful. We hope so, for violence can only detract from the purpose of the marches, that of demonstrating to fellow Americans and to the President the growing desire of many citizens to end the Vietnam War.

The President has said he won't be influenced by the demonstrations . . . but in a democracy can a President not be influenced by a large outpouring of the people?

More and more one hears across the land the voices of opposition to the war, a war from which our leaders now apparently would withdraw if a means could be found for saving face, a war which is hurting Vietnam more than it is helping a war no longer believed vital (if it ever was) to our basic national interests, a war whose casualties are being felt in neighborhood after neighborhood, town after town . . . a war which is causing the nation to postpone or reduce vital programs.

A war which has hindered efforts to close the gap between the races, between the generations and between the rich and poor.

A war which has brought serious inflation.

A war which has made more difficult any efforts to achieve an international easing of tensions.

President Johnson in March 1968 halted the escalation of American involvement in Vietnam. President Nixon has begun the process of disengagement. We support those troop withdrawals he has ordered. We wish they were larger.

Some of Wednesday's marchers will be demanding an immediate withdrawal of all U.S. troops. After 15 years of propping up South Vietnam, and even granting all the faults of that country's present leadership and efforts, we do not believe an instant pullout is a reasonable course for our nation. Indeed, such a pullout is not feasible in terms of logistics.

We believe that it is possible to draw up a timetable for a systematic withdrawal of all combat troops, and we believe such a timetable could encompass a period of 12 to 18 months.

It does not seem to us that a decision for such a timetable will be made by the American military or diplomatic establishments in Vietnam. They appear to be yet thinking in terms of victory—even though the President has said that victory is not our goal anymore. The decision to withdraw rests with the President.

But Mr. Nixon still seems to be listening closely to advisers like Gen. Wheeler, Gen. Westmoreland, Ambassador Bunker and others of the victory school. President Johnson did, too, but persuasive men like Clark Clifford came along to influence a change in presidential policy. We are not sure who will be the Clark Clifford of the Nixon administration. The tone and content of some of Mr. Nixon's statements, so similar to those of Mr. Johnson before he changed course, are greatly disturbing to millions of citizens.

Therein lies the importance of Wednesday's marchers, demonstrations and vigils. If conducted peaceably and with dignity, they can help lead other Americans to reconsider the course this country is on in Vietnam. They can help influence national policy.

To march for peace does not detract for one moment from the bravery and sacrifice of those nearly 40,000 Americans who have died in Vietnam. They died, as young Americans have died in generations past and may die in future generations, serving our country.

The question now is whether their sacrifice is served by hurling more young Americans into continuing combat in an Asian land war no longer considered vital to American security.

A majority of Americans, according to a recent Gallup Poll, believe it was a mistake to send troops to fight in Vietnam. The real question now is how to extricate our men from that mistake.

Present approaches to extrication—Mr. Nixon's three conditions for troop withdrawals—depend on responses from Saigon or Hanoi. We believe the time is here for a policy geared to the needs of our own country. This means an end to American participation in the fighting within a reasonable time.

President Nixon, like many others, has talked of "no more Vietnam." If this concept is good for tomorrow, it is good for today.

On Wednesday, the marchers will be telling the nation: Let's end what has become a wrong war in the wrong place at the wrong time. Will the nation and our President be listening? We hope so.

## THE CHICAGO RIOTS

Mr. PERCY. Mr. President, the Senate Permanent Subcommittee on Investigations met today to hear testimony from Police Superintendent James B. Conlisk, Jr., of Chicago, regarding the transfer of weapons to the former provost marshal general of the Army. As a member of this subcommittee and as a Senator from Illinois, I wish to comment briefly on a matter that has taken the highest priority in the work of Superintendent Conlisk and his men, constituting the reason why he could not appear before our committee as originally scheduled; namely, the hit-and-run guerrilla forces who have sought to spread havoc in Chicago for the past week.

I wish to commend the Chicago police and the Illinois National Guard for the calm and professional manner in which they responded to repeated provocations from these Maoist "Red Guards." They have skillfully prevented widespread violence and destruction and at all times shown an unwavering devotion to duty.

The outrages that have occurred on the streets of Chicago this past week, and the alert manner in which they have been curbed, presents an essentially different pattern of challenge and response from the well-publicized and well-studied disorders that occurred during the Democratic National Convention of 1968.

The rights of free speech, peaceful protest, and lawful assembly are guaranteed by our Constitution and, as such, are inviolable and sacrosanct. Full freedom to espouse a cause or to denounce injustice is the hallmark of our democracy.

What happened in Chicago, however, is a perversion of these basic rights. Young people who destroy the property, seriously injure, and threaten the lives of innocent citizens, young people who seek to confront authority for the sake of confrontation, may indeed seem mad. But it is clear that their wanton behavior has a clear-cut purpose.

For surely it is the intent of the rioters to destroy, as the main victim of their criminal attack, the free institutions of our democratic society. This radical "Weatherman" element of the SDS is truly Students for the Destruction of Society. It is essential that we repulse this evil challenge to America.

Governor Richard B. Ogilvie and Mayor Richard J. Daley joined together to meet this challenge and have moved

responsibly to insure that the right of our citizens to live just and orderly lives is preserved.

## THE PSEUDO CONSERVATIVES

Mr. McGEE. Mr. President, whatever they may be, the solutions to this Nation's problems at home and abroad are not simple. No one needs to make that point—or, at least, we would think that no one needed to make that point. Yet, simplistic solutions to our problems seem to abound, especially at the far reaches, left and right, of our political spectrum.

A more expert commentator than I, Paul Goodman, recently observed that "alienation is a powerful motivation, of unrest, fantasy, and reckless action." It is, however, as he added, "a poor basis for politics, including revolutionary politics."

Yet alienation impels large segments of our population these days toward their reckless "solutions" to the problems which confront man in these United States. Dispose of one or two evil sources, or smash the forces behind civil commotion, and the job will be done, in their view. Ironically, the left and right extremists go about their tasks with much in common. While one strives to bring about the collapse of what it views as a corrupt and reactionary "establishment," the other campaigns day and night to shift power away from what it sees as an entrenched "liberal" and even "traitorous" power structure.

Why consider the complexities of any problem, the total ramifications of any decision, or the various people involved in any clash of ideas? There is no need, for the answers are obvious, at least to those who subscribe to the extremist line. At fault, it is obvious, is the establishment. Or is it the international Communist conspiracy?

Much comfort is to be gained, apparently, in the refuge of shibboleth and cant. One can draw the line easily between the good guys and those with corroded motives and impure purposes. It is nice, apparently, to have a handy whipping boy so you can look at the social disorders, minority problems, the polarities among our people and all the other uncertainties and dislocations in our political world and know who is to blame. Charge it off to an invidious plot by Reds or their unconscious dupes, or chalk it off to another manifestation of the stupidity and cupability of the establishment.

Simple approaches such as this, I want to emphasize again, are the stock in trade at both ends of the political spectrum. The extremists from the left and right are more like each other, it would seem, than any group of concerned citizens seeking to find their way to the solution of today's many problems in a reasonable, fair way.

For those of us who count ourselves as being somewhere in the middle, the irony entwining the two extremes is heightened by the realization that they are self-perpetuating in their pattern of operations. They feed on each other, with each act of extremism at one end being countered by a reaction. Sometimes, one might think they exist for no other reason than to supply adherents with an all-purpose refuge in a confusing world.

The deceptive element about these extremists is the facade of legitimacy surrounding them. On the left, many of the complaints about social injustices are valid and in need of action and change—but violent confrontation does not accomplish these ends.

On the right, the reality of the Communist threat gives their argument some plausibility. But to attribute all social unrest within the country to this one reason is nonsense and worse, providing no movement toward solutions that would remove the conditions of unrest.

In past weeks, a handful of radicals from the left have engaged the attention of an entire Senate Committee investigating their activities. I doubt whether the are worth the time and expense, but I must grant that some clarification of their activities is needed.

The left has received much attention—only some of it deserved. Therefore, Mr. President, I shall direct my remarks today to the radical activities of the rightwing, to those we could call the "pseudo conservatives."

These factions of the right have historically been with us, from the early frontier vigilante groups in the West, and the Ku Klux Klan in the South, to the Minutemen of today. They have tried to legitimize their causes with words like Americanism, Christianity, patriotism, liberty, conservatism, morality, and Constitutionalism, but their activities have scarcely ever earned such descriptive nomenclature for them. Anyone outside the limits of their brand of patriotism is suspect. They function in such a fundamental state of isolation that the answers to everything they see wrong with the Nation appear simple. Return to the "good old days" when things were cut and dried. But those days were never so simple. We cannot turn back the population clock. Runaway technology has contributed to the complexities of our times, yet we cannot give up the conveniences that technology has provided.

Until recently, one of the favorite targets of the pseudo conservative right was the Warren court. Now that it is gone, and student activism has been reduced during the summer, I wonder that the rightists did not run out of evil sources to blame. But, of course, they did not, finding a ready target in sex education programs coast-to-coast, injecting an unfortunate ideological competition into a subject which should at all times be considered more sanely and reasonably—not as a Communist plot.

Communist as a threat to the free world has been in the forefront of my attention ever since my entrance into the Senate. I made myself clear in a book I wrote and published last year, but I cannot believe that everything causing the unrest in this country is a direct result of actions taken by the leaders in Moscow or Peking.

Psychologists call this gullible way that the right has of thinking the paranoid style of thought. It is based on suspicion and conspiracy, fantasy, and fear. Everything and everyone opposed to them is immediately assumed to be part of a Communist plot to overthrow the Government—or at least to undermine America's will to resist takeover.

It should be obvious that this distorted style of thinking is indicative of a distorted judgment—the same sort of judgment common to fanatics who believe they can solve the Nation's ills by political assassination, or the suppression of legitimate protest, for character assassination, I submit, is but a step removed from the unspeakable crime which we have sadly been witness to too often in the turbulent 1960's.

An example of this way of thinking probably reaches the desk of every Member of Congress. I recently received a letter commenting on my book, "The Responsibilities of World Power." I should like to quote from the letter; some of the most blatant statements go like this:

> The horrible fact is, Mr. McGee, that most liberals in your party are truly and sincerely sympathetic to the supposed theoretical attributes of Communism . . . our entire foreign policy, is a fundamental sympathy towards—and a corresponding antipathy toward opposition against—Communism.

Generally, I suspect that this sort of argument is immediately seen through by the average American. Even this sort of "big lie" is hard to swallow. But one of the soft sells of the rightwing—the law-and-order theme—has been subscribed to by many American people anxious about the current wave of national unrest and the very real and appalling incidence of crime and violence.

There is an obvious connection between the candidates flaunting law-and-order themes and the fear of social revolution created in the mind of the American people. The argument is that we must have order by any means, regardless of the law protecting personal rights. Adolf Hitler promised pre-World War Germany as much—and delivered an order of sorts for a time.

Since the early 1960's, activities of the rightwing have increased, especially over the period of the 1964 elections. Today, the movement continues.

About the war in Vietnam, the rightwing argues, again apparently the simple and expedient solution; namely, that we could win if we wanted to win. Indeed, we could—I do not doubt we could crush our adversary if we were willing to risk mankind's survival in the aftermath.

On the domestic scene, the rightwing has been a consistent objector to civil rights, fair housing laws, and voters' rights laws. They claim that the riots in the cities and on the campuses are the result of Communist instigation.

Their far-right views are concerned with keeping full participation in American life limited to a chosen, privileged few. Any threat to their special interest is given an interpretation as a threat to the rights of everyone.

The "law and order" theme has fit into this rightwing interpretation as the mainstay in their current wave of fear. Whenever a threat can be pointed to, it follows that the right to reduce or eliminate that threat belongs to a group sanctioned by the majority of people.

In a war, the Armed Forces are given the sanction by the people to commit acts of inhumanity to protect the society and country threatened. This is a hard fact of life. Ordinarily, acts of violence by police and other official groups would not be condoned by many Americans, but with the right sanctions—violence can be "as American as apple pie," and can be exercised in lieu of reason.

This is one way radicals on both the left and the right work together to create the fear that causes millions of Americans to ally themselves, to one degree or another, with one extreme or the other.

The influence of the rightwing has extended to the mass media, and especially to the radio, where evangelistic rightwing radicalism is espoused throughout the Nation.

In a number of instances where the "fairness doctrine" of the FCC has been cited in complaints against the blatantly biased material on these programs, nothing has been accomplished to improve the programing.

A new group formed last year calls itself the "League for Liberty," a name inconsistent with its activities. It is this league's announced purpose to police the airwaves by pressuring advertisers to sponsor programs in line with its way of thinking.

A number of rightwing organizations have formed their own secret intelligence apparatus to collect histories on known "enemies" to their cause. The efficiency of J. Edgar Hoover's FBI to do its job must be in question in their circles.

One of the outgrowths of these activities is the so-called "Biographical Dictionary of the Left" which lists any liberal whose views might constitute a threat to the right's paranoid mentality.

Ironically, the radical right has not missed learning from the Communists—no doubt under the rule that "fire must be used to fight fire."

The Minutemen, one of the most extreme of the rightwing organizations, has built an organization patterned after the Communist "cell" structure. It involves an organizational safeguard system of small, independently administered groups which never know enough to destroy the entire organization if they should be caught.

The Hydra-like growth of the rightwing is shown by the splintering of new groups from old ones—forming some 17 new organizations last year alone.

One new movement reminiscent of nazism is the Francis Parker Yockey movement. It is reliably reported to have taken over the resources and membership lists of the Youth for Wallace political organization of last year.

After a political infight, Willis A. Carto, apparently the force behind the Liberty Lobby, emerged in control. Now some 17,000 young supporters of Wallace are, unknowingly, affiliated with the ranks of a secret group which sports relics of the Nazi regime, including SS uniforms and swatiskas.

Carto is a little known man who shuns interviews with reporters, refuses to have his picture taken, and does not participate in the open activities of the Liberty Lobby. Yet he knows the power of the purse strings he controls. The Liberty Lobby was among the top 25 reported lobbying spenders on the Hill last year.

Today, both the comforts of life and the problems in our country are shared by more people than ever before through the means of the mass media. But today, we can also suffer the uncomfortable feelings of the poor, the hungry, and the oppressed in our own homes whenever we pay attention.

If we sense shame for what we see, then it is time we did something to improve the conditions instead of fomenting ideological discord and fostering a system of thought that would perpetuate misery for the unchosen.

We should realize that if the capacity for success and wealth is passed from one generation to another, and it is, then so is the capacity for poverty and failure passed in the same way.

But before we can progress satisfactorily, we must do something about the balance of extremists in this country. We have got to stop this action-reaction cycle. We must remove the power these radicals have to rock the boat, and even dump us all in the drink.

Sydney Hook, professor of history at New York University, no softy on extremists, aptly put it when he said:

> A handful of men who are prepared to fight, to bleed, to suffer and, if need be, to die, will always triumph in a community where those whose freedom they threaten are afraid to use their intelligence to resist and to fight, and ultimately to take the same risks in action as those determined to destroy them.

The key is word in his statement is "intelligence"—the intelligent use of restraint on extremists. We must beware of becoming as bad as those we would restrain. As Hook puts it:

> There is always the danger that courage alone may lead us to actions that will make us similar to those who threaten us. But that is what we have intelligence for—to prevent that from happening! It is this union of courage and intelligence upon which the hope of democratic survival depends.

One of the facts of this great Nation is that no group of extremists have been able to gain control, or influence the Government for any length of time without a cry of protest from the people.

Hook concludes:

> Intelligence is necessary to overcome foolishness. But it is not sufficient to tame fanaticism.

I do not applaud the flagrant use of force to put down force, or violence to meet violence, but there must be limits to what the mass of people who occupy the great middle ground will take from the extremists. We must exercise the intelligence to preserve the right of freedom without threat from the way we choose to preserve it. A riot among the people does not justify a riot among the police, for example. Nor does a campus demonstration justify slamming the gates of the university to our young people.

For those of us who refuse the false security of a fanaticism, it will be a serious watch. Had there been a more diligent watch on the Rhine, Hitler may never have despoiled the world with his brand of fanaticism. Each of us must stand his own watch and stand ready to fight for reason.

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## TO CONTROL SPENDING CONGRESS NEEDS OFFICER OF ECONOMIC ANALYSIS IN JOINT ECONOMIC COMMITTEE

Mr. PROXMIRE. Mr. President, it is time for the creation of a top flight, highly qualified staff unit in the House-Senate Joint Economic Committee to produce for the Congress detailed studies of the relative costs and priorities of administration proposals.

I have written to Representative WRIGHT PATMAN, the committee chairman, asking him to seek funding in the House for such a unit in order to bolster congressional control over the Federal budget by making objective studies available.

I have based my proposal on the need of Congress for more highly sophisticated and higher quality information than is now available to it. For example:

Congress should make its own analysis of the economic costs and benefits of the SST. Is it worth the cost? Should it be built now? Should the taxpayer or private companies foot the bill? How do the benefits compare with the costs and with the benefits and costs of other programs such as air pollution programs, health clinics, or low cost housing?

We need to know whether the huge costs of manned space flights produce such large benefits as to be worth the vast differences in costs of instrument flights?

What is the annual cost of the operation of the Navy's eight antisubmarine warfare carriers? Could the funds be spent more efficiently for other military or civilian programs?

We desperately need a highly qualified group of analysts to provide the facts so that Congress can determine which programs should have the highest national priority, the costs and benefits to be gained from them, and the alternative programs and their costs.

I propose that the Joint Economic Committee set up a staff of about eight to 10 highly qualified economists, statisticians, and program experts to provide Congress and its Members with the economic and budgetary analysis it needs to make intelligent decisions and to judge executive branch proposals.

Congress has ceded far too many decisions to the executive branch. Indeed, Congress, with its modest staff resources, is too often at the mercy of executive department decisions. The bureaucracy, armed with enormous staff, reports, information, analysis, and studies, too often finds little difficulty in wresting policy initiatives from the legislative branch.

As our society becomes more complex and our technology more advanced, and as the Federal budget grows ever larger, the Congress must initiate or approve policies for which we, as individual legislators, have too little knowledge.

As the need for comprehensive and systematic analysis has grown, and as

the need for public decisions on complex and highly technical matters has expanded, we have provided the executive branch with the staff and resources to deal meaningfully with many of these matters.

But we have failed to provide the Congress with the facts and resources necessary to make informed decisions based on an understanding of costs, benefits, and other important economic facts. My proposal, at almost no cost, is an important step in returning the policy initiative to the Congress where it belongs.

## THE PESTICIDE PERIL—LXIV

Mr. NELSON. Mr. President, in the battle over the continued use of persistent pesticides, the agricultural industry has often taken the lead position in favor of chemical pesticides to control insects. The industry representatives have claimed that without DDT and other persistent pesticides, entire crop production could be seriously damaged.

However, more and more agricultural spokesmen are both becoming alarmed by the ill effects to our total environment from pesticides and seeking out alternative methods of control. In an article published recently in the Wisconsin Agriculturist magazine, a leading farm publication in our State, various nonchemical methods of pest control are suggested to the farmer as safe, effective alternatives. The article states:

Chemical control of insects may someday be second best.

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:

SEEK BETTER WAYS TO CONTROL INSECTS—PESTICIDES MAY NOT BE NECESSARY

Chemical control of insects may someday be second best.

Chemical insecticides are looked at as temporary and emergency insect controls, says Charles Koval, University of Wisconsin insect control specialist. Scientists are continuously searching for better ways.

An example of an insect control method to replace insecticides is the use of attractants. Attractants draw desired insects from large areas into traps. These may be food, habitat or sex attractants—or combinations of these.

Artificial foods can be substituted for natural foods. This food bait is treated with a non-tonic insecticide that kills insects drawn to the trap.

Habitat ammonia bait draws flies to a jar where they deposit their eggs, thinking it is a natural place for egg laying. With this method, millions of eggs can be destroyed, greatly reducing the population of the next fly generation.

Insects' natural mating instinct can be used to trap male insects. Lesser peach borers now cause much damage in Wisconsin cherry orchards. However, one female borer in a trap draws large numbers of males within a half mile radius.

This leaves few males to fertilize eggs and greatly reduces borer populations. With the development of synthetic materials to replace the live females in the traps, this will be one of the cheapest insect control methods available, says Koval.

WORKED ON SCREW WORM

The sterile male technique also offers hope of reducing populations of certain insect species. This method gained fame when it was used to control the damaging screw worm in the South.

With the sterile male technique, large numbers of male insects are sterilized with radiation. They are then released to mate. Since the males are sterile, none of the females they mate with lay fertilized eggs.

Sound waves can be used to kill insects that would be difficult to control with other methods. This method is used most to control insects in stored grain.

The volume of the sound is not important. But the frequency is. Sounds of certain frequencies kill some insect species.

Development of new plant varieties offers another method of insect control. Scientists can select varieties that are unfavorable for insects. Some plant varieties "taste bad." Others prevent young insects from developing.

An example of an insect resistant plant is the gingko tree. This tree is virtually free from insect attack, points out Koval.

Planting time control of certain crops avoids insect infestations. This method takes advantage of the knowledge of an insect species' life cycle.

Winter wheat planted before a certain date in the fall will not be damaged by the Hessian fly. Spacing radish plantings a week apart avoids loss of the whole crop to maggots.

Systematic insecticides are the preventive medicine of insect control, says Koval. They prevent a buildup of insect populations while most insecticides are applied after large insect populations are noted.

These insecticides are absorbed through the roots and kill the insects when they eat the plant material. They produce no surface residue or wind drift to damage other crops. And the insecticides do not persist in the soil. The systemic insecticides are selective so that they do not kill beneficial insects.

PHYSICAL BARRIERS

Aluminum foil laid around some plants controls aphids (plant lice). The method reduces aphid populations up to 95 percent more than chemical controls. Aluminum foil is now used experimentally with gladiola to control aphids that spread viruses.

Banding elm trees to control canker worms is no new method. Sticky bands are applied to elm trees, These bands trap and kill the female worms when they crawl up to lay their eggs.

A simple and cheap method of insect control for most homeowners is the washing method. A high pressure stream of water from a garden hose knocks insects off shrubs and bushes. It is particularly effective for aphids and spider mites, says Koval.

This untimely removal from their source of food often upsets the insects' life cycle so much that they die.

## NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH TO THE SUPREME COURT

Mr. COOK. Mr. President, for a better understanding of what much of America thinks, regarding Judge Clement Haynsworth, I ask unanimous consent that a number of articles and editorials be printed in the RECORD.

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

[From the Casper (Wyo.) Star-Tribune, Sept. 28, 1969]

CRITICS OF JUDGE HAYNSWORTH

The Senate hearing on confirmation of Judge Clement F. Haynsworth Jr., to be a Supreme Court Justice, has proved even more interestingly revelatory about his opponents than about the judge.

George Meany, AFL–CIO president, says Haynsworth is anti-labor and therefore unfit to serve. There are many judges who have rendered verdicts that Meany could interpret as against labor and doubtless Meany considers all of them unfit to serve. It sounds very much like the old stand—"if you are not for me, you are against me."

The American Bar Association endorsed Judge Haynsworth as "highly acceptable," and found no conflict of interest in his ruling in a controversial case in 1963.

Senator Ted Kennedy showed his prejudice in questioning whether the South Carolinian was enough of "a man of the times" for a court some view as "the last bastion for social change in America."

It may be a fact that in recent years the Supreme Court has been a powerful force for social change in America, a role that many judges and lawyers consider to be outside its judicial function under the Constitution.

It is plain that the foes of Haynsworth oppose him as a conservative. It seems equally plain that Haynsworth was appointed because he has a middle ground record and because President Nixon felt, we think rightly, that the people want judges, not lawmakers, on the court.

[From the Orlando (Fla.) Sentinel, Oct. 5, 1969]

THE LIBERAL U.S. SENATE

The nation should not be surprised that Judge Clement F. Haynsworth's nomination to the Supreme Court is running into a filibuster by liberal senators and the TV networks.

The United States Senate since the 1964 election that also saw Lyndon Johnson elected over Barry Goldwater in a landslide has been the most liberal political body ever inflicted on a non-Socialist country.

That same 1964 election swept into Senate office many ultraliberals. These are men whose whole political life is mortgaged to the hippie-yippie change-everything-for-the-sake-of-change element that has brought this country five years of chaos.

Richard Nixon pledged to slow down this mad march to the left in his presidential election campaign. The most effective tools at his command are Supreme Court appointments.

President Nixon merely fulfilled his promises to the Americans who voted for him last November in his two Supreme Court nominations. So it is not surprising that every liberal senator and every liberal lobby should jump with both feet on Judge Haynsworth.

After all, Haynsworth is a Southerner. The liberals fear and hate Southerners, the vast majority of whom are conservatives.

Haynsworth as a judge has handed down some decisions in the civil rights and labor union fields that—remarkable in this day and age—took into consideration the constitution of the United States and the rights of the majority. The liberals feel and hate anyone who stands up for middle America.

These ultra liberals of the United States Senate, supported almost hysterically by TV network news broadcasts and the great labor union and civil rights lobbies, may yet get their pound of flesh. They may yet deny the confirmation of Judge Haynsworth to the Supreme Court. We hope not.

But many of these same liberal senators who came to office in 1964 must face the voters again next year. We predict that the majority of the voters in this country are fed up with the mistakes of 1964 and will turn the rascals out in 1970.

[From the Seattle (Wash.) Post-Intelligencer, Sept. 30, 1969]

COURT VACANCY

A Post-Intelligencer View: Senate confirmation of Judge Haynsworth to the vacant

seat on the U.S. Supreme Court should be accomplished without further delay so he may be present when the Court begins its Fall Term Oct. 6.

We wonder how many men of 56 years, which is the age of Judge Clement F. Haynsworth, could have survived so well the hostile and exhaustive probe to which he was subjected for eight days by the Senate Judiciary Committee. In the end, the inquisitors were able to produce nothing to shake President Nixon's confidence—or ours—in the "qualifications and integrity" of the man he nominated to fill the Supreme Court seat vacated by the resignation of Abe Fortas.

All kinds of slurs and innuendoes were cast at Judge Haynsworth by his critics. It was alleged he ignored the "appearance" of judicial purity in failing to disqualify himself from two cases in which he had a remote personal interest. It was alleged he showed apparent favoritism in cases involving former law clients. Liberal senators joined civil rights and labor leaders in contending his rulings proved him biased against their causes. It was hinted that his Supreme Court nomination was a post-election payoff to Sen. Strom Thurmond (R-S.C.).

None of the politically-motivated aspersions jelled into anything solid. We concede that Judge Haynsworth may have been less than discreet in the two cases mentioned, but not even his strongest critics charged that he did or could have profited personally from his decisions in them. And so far as the rest of his many decisions during 12 distinguished years on the Fourth U.S. Circuit Court of Appeals are concerned, nothing was proven at all except that he is a legal conservative who goes strictly by the book.

This is precisely the kind of judicial philosophy President Nixon was after in making his nomination. Judge Haynsworth has made a full, frank and convincing response to those who did their best to discredit him. He should be confirmed with no further delay so that he may take his seat as the ninth member of the Supreme Court when it begins its fall term Oct. 6, as the President hopes and expects him to do.

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[From the Richmond (Va.) News Leader, Oct. 3, 1969]

HAYNSWORTH'S OPPONENTS PROVE PRESIDENT'S GOOD JUDGMENT

(By Holmes Alexander)

A handclasp acquaintanceship with Judge Clement F. Hanysworth, which is all that I have, is sufficient for some appraisal.

He is poised and self-contained, quick with quiet humor, fond of tested friendships, outgoing to vouched-for newcomers, distant to pushy strangers. He is an old-fashioned gentleman who knows that old-fashionedness and gentility are the ornaments of his race but also the targets of the plug-uglies.

At first it appeared that President Nixon, in nominating Judge Haynsworth to the Supreme Court, had rustled the magnolia leaves and come up wih an unwordly recluse, a grammarian of the archives, so steeped in founder fatherism and so sheltered from the crassness of the counting houses that his very unreality would make him invulnerable. In demand as a replacement for Justice Abe Fortas was somebody with the legendary character of Caesar's wife, above reproach and beyond gossip, however boresome and unbelievable such a somebody might be. Still, Haynsworth seemed to be such, and it appeared that Senatorial opposition was confounded in advance.

Not so, however, for the Judge from Greenville, S.C., had not taken to a monastery when he joined the Circuit Court, had not broken off community relations with the merchants and manufacturers of his town, had not salted his considerable family fortune in a vault where it would wither in airless inflation. He made investments, and kept his friends, and he didn't need anybody to tell him how to mind his private conscience.

All this came out as Democratic Senators Bayh and Tydings, Kennedy and Hart, discovered that they had human clay to dig in. The spade work had to be done with the instruments of inuendo and allusion. The point was to prove that Haynsworth was of a sort with Abe Fortas and ought to be given the same treatment, eye for an eye, tooth for a tooth. But Fortas had consorted with a crook, had sold his services as a lecturer, had played sidedoor White House politics and covertly practiced law while on the bench, and there was no such sludge in the Haynsworth clay. He invited the probing Senators to resolve any doubt about his fitness in favor of the Supreme Court, and not to confirm him if that would lower the tone of the high bench.

As the hearings went on, it no longer seemed regrettable that Haynsworth hadn't proved to be made of airy immunity. Had he been wholly unattackable, the true and intended points of attack might not have been so noticeable. Ted Kennedy, prompted by notes from his staff, complained that Haynsworth was not in the "mainstream" and couldn't understand the unhappiness of modern youth. Old George Meany called the Judge anti-Labor, and Roy Wilkins said he was anti-Negro.

Well, the cat was out. The opposition did not doubt Haynsworth's honesty. No, but Kennedy feared the generation gap. According to a study in the October issue of "Psychology Today" magazine, it amounts, in a large part, to a cult of "privatism" on the part of youth. This study, based on in-depth interviewing, shows youth as withdrawing into itself and away from society. The movement is called "less than heroic—at its logical extreme—selfindulgence. . . ." For a Supreme Court Justice to be out of sympathy with anti-social indulgence doesn't seem a disqualifying trait.

Meany was worried that Haynsworth would be an anti-union Justice, that is, not for the privileges that union bosses have but corporation managers don't; not for the Congressional right to limit crippling stoppages which companies couldn't get away with. Wilkins thought that Haynsworth on the Supreme Court might not agree that a utopian equality had commenced since the passage of recent Civil Rights laws.

This was what was left of the opposition to Haynsworth when he was opened to attack, and it was something that did him more credit than harm. I mean, how could an old-fashioned gentleman not have misgivings about antisocial youth, labor's special privilege and artificial racial equality? In the end, the opposition only proved how well and wisely the President had picked.

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## THE DILEMMA IN VIETNAM

Mr. YOUNG of North Dakota. Mr. President, like almost everyone else, I am deeply concerned about the war in Vietnam, particularly the forthcoming demonstrations and other actions which tend to make the President's task of finding an honorable and just conclusion to this war more difficult.

I was strongly opposed to getting involved in this war in the first place and spoke out against this possibility of our involvement as far back as 1954. How we got into thie war is no longer an issue, but the right way out is. An editorial entitled "We Can't Quit Vietnam at Expense of Bloodbath," published in North Dakota's largest newspaper, the Fargo Forum, on October 7, 1969, is an unusually good appraisal of the dilemma in which we find ourselves. It is one of the best editorials I have read on this subject.

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

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

WE CAN'T QUIT VIETNAM AT EXPENSE OF BLOODBATH

The enigma of Vietnam defies editorializing, but not to strive for opinion and solution is to despair.

We don't despair.

The war will continue until it is over; anti-war protests will continue until it is over; death and anguish will continue; so will debate. Political parties and ideologies will be fractionalized, and the fractions splintered.

President Richard Nixon wants to end the war. So does Sen. Eugene McCarthy, and Sen. William Fulbright, and Sen. Mike Mansfield, and all the rest.

We ask ourselves: Have we sacrificed the lives of 40,000 Americans and killed a vast number more of the Vietnamese people for nothing?

Should we pick up our men and leave Vietnam right now, admit we have made a horrible mistake, leave the South Vietnamese to the will of the Communists?

We do not know if the majority of the people in this country believe it has all been a grisly, horrible mistake, although many suspect it has been.

Those who protest the war are certain it has been. They are carrying out their convictions, as they must, but they may be making a horrible mistake, and helping to extend the war by giving the enemy false hopes of eventual military victory.

On Oct. 15 there will be a Vietnam moratorium. Students, clergy, businessmen and anyone who has the conviction that the United States is wrong in Vietnam will hold rallies, demonstrate, and try to make converts of the rest of us who hate the war as much as they do but do not have the same overriding conviction that this country is stupid and wrong-headed at the least, or war-mongering and purely imperialistic at the worst.

What many of us are afraid of is this: That if we walk out of Vietnam post-haste, South Vietnam will be over-run from the north. History has told us what happens to the losers in a Communist revolution. There is a blood bath, with men, women and even children murdered indiscriminately.

If we should make the admission that we have committed a horrible error in Vietnam, will history repeat itself in Vietnam? If those Vietnamese who have fought with us against the Communists or social revolutionists, or whatever name we want to give them, are lined up to be murdered, then what is our recourse?

Most of the arguments for immediate withdrawal stop short of answers to this eventuality.

Would we turn around again and attack the Communists, and would this then lead to a broadening conflict and World War III?

We do not believe that President Nixon was just mouthing words when he spoke of internationally-supervised election in Vietnam "in which we will accept the result of those elections and the South Vietnamese will as well, even if it is a Communist government."

The United States, we believe, has seized the peace offensive in Vietnam.

Would it be better to continue the peace talks, continue troop withdrawals, go to almost a purely defensive action in Vietnam, or would it be better to get out fast? Would the consequences of a quick withdrawal be worse than a gradual wtihdrawal?

If the "withdraw today" approach would not lead to a catastrophic lengthening of the war for the South Vietnamese, with an even-

tual blood bath and enforced Communist regime, we would all be marching with the Vietnam Moratorium group on Oct. 15.

President Nixon has scheduled withdrawal of troops at a rate which he believes will not sacrifice the safety of our men and the South Vietnamese.

Maybe he should be even more daring, take more chances for peace, even though our efforts so far have received nothing but derision at the Paris peace talks.

We hope that those carrying the "Peace now! not later" signs on Oct. 15 will have some influence on the Hanoi regime, even though they are aimed at our government. But we are afraid they will not influence Hanoi.

## ALASKA PIPELINE

Mr. NELSON. Mr. President, Secretary of the Interior Walter Hickel has notified the Senate and House Committees on Interior and Insular Affairs that, if they do not disapprove, he will take action to permit the construction of an 800-mile pipeline to transport oil from northern Alaska—north of the Arctic Circle—to the shipping port of Valdez in the southwest part of the State. For the Secretary, two important steps will be involved: One, along the Alaska pipeline route, lifting the Federal freeze on public lands; and two, granting a permit to the Trans Alaska Pipeline System for construction rights-of-way across these public lands.

Preparatory to the proposed pipeline clearance, an interdepartmental task force led by Under Secretary of the Interior Russell Train has issued 34 pages of stipulations designed to assure that pipeline construction and operation will not damage the arctic environment. Secretary Hickel has approved the stipulations.

The Secretary and Under Secretary are to be commended for the effort they have undertaken to see that the environmental implications in this matter will be taken into account.

This Thursday, the Senate Committee on Interior and Insular Affairs will hold public hearings regarding Secretary Hickel's notification of intent to allow the pipeline to proceed, and the Senator from Washington (Mr. JACKSON), the committee chairman, is due a great deal of credit for his continuing efforts to assure that this crucial conservation matter has a thorough airing before the Nation. Such congressional review of industry proposals involving our public lands has long been needed, and in my view, must become a pattern for the future as an important part of a national policy to protect the quality of our environment.

The discovery of oil on the Alaska north slope and ensuing intensive plans for its extraction and shipment to market is a development of enormous environmental implications.

Already, 43 wells have been drilled on the ecologically fragile tundra in efforts to tap an oil reserve estimated to be in excess of 20 billion barrels. The timber need alone to provide material for piling and other oil-related construction may total up to 100 million board feet. Any marks of construction activity—such as roads, trash, buildings, oil rigs—that are not carefully removed after their purpose is served will remain for decades, perhaps centuries, in the "cold storage" arctic environment.

As another measure of the vast scale of the arctic development, the Prudhoe Bay-Valdez pipeline now proposed for clearance will have a capacity of carrying one-half million gallons a mile. Should soil erosion, an earthquake, or some other activity cause the pipeline to break, the resulting oil flood over thousands of acres of frozen arctic tundra could make the oil blowout in the Santa Barbara Channel pale by comparison.

Although the extensive Federal task force study has been undertaken, and as pointed out earlier, a set of stipulations made, there still appear to be some important unanswered questions. For instance, information apparently is still not complete on the question of whether the "hot" pipeline buried in permanently frozen arctic soil will cause serious erosion. In addition to the esthetic and ecological concerns, there is the possibility that an erosion-caused shift in the pipeline could cause a break in the pipe.

Furthermore, the Department of the Interior apparently has not yet been furnished a profile of the pipeline route, showing exactly where the pipeline will be buried and where it will be above ground.

In addition to the proposed Prudhoe Bay-Valdez line, a second such pipeline, from the north slope to the Mackenzie River, in Canada, extending to U.S. refineries, is also under study by the oil companies.

The search for means to get oil out of the Arctic also includes a proposal to utilize icebreaking supertankers to force their way through the Northwest Passage to the Eastern United States. A tanker breakup or leak could cause an environmental disaster reminiscent of the one that developed from the *Torrey Canyon* accident off Great Britain.

It is also abundantly clear that the oil development only marks a beginning for the opening of the Arctic on a gigantic scale. As an example, on September 10 the sale of oil leases brought the State of Alaska $900 million. The release of these massive new funds into a region rich in other natural resources is certain to have a dramatic and far-reaching effect on the pace of economic development.

In this broad context, the pending Alaska pipeline decision takes on a tremendous significance, not only in and of itself, but because of the beginning it represents for the opening of the Arctic. Completing and putting the pipeline into operation will be the action that, for better or for worse, flings open the door to vast and permanent change in Alaska and the Arctic.

Also, although they might appear to be separate issues, oil development and the settlement of the claims of Alaska's native people are closely related issues, and what happens on one is almost certain to affect the status of the other. In fact, the Alaska land freeze was established to provide time for Congress to define the rights of the native claimants. The claims matter is still pending in legislation before Congress.

As pointed out in a recent excellent series of articles written by Robert Cahn, a Pulitzer Prize-winning reporter, and published in the Christian Science Monitor, conservationists are not dogmatically opposing the Alaska oil pipeline. But, as he noted, they are "requesting that the go-ahead be held up until the potential environmental effects can be more adequately considered by the Government and the public."

On this point, it is worth noting that for millions of years, this gigantic oil deposit has rested undisturbed beneath the Arctic. In an incredibly short span of time—25 to 30 years—we can, and probably will, drain it off. But if we do not move with utmost caution now, to be sure that in the press for action, we do not overlook some aspect that holds the potential for future disaster, we could, in these few short decades, leave a trail of waste and destruction that will take centuries, perhaps thousands of years, to undo.

Thus it is essential that before going ahead with the pipeline, we be absolutely sure all the facts are in, and certain that a pipeline beginning will not put us on the road to tragic consequences. It is hoped that the hearings this Thursday will give a good indication of where this important matter stands, and will provide the public with the fullest possible picture, including the full report made to the President recently by the Federal task force.

I ask unanimous consent that Robert Cahn's Christian Science Monitor series of articles on Alaska oil development and the environmental, economic, and social implications be printed in the RECORD, together with his article of October 7.

Mr. Cahn recently spent 2 months looking into this important matter, including 4 weeks in Alaska, and his articles represent an extremely well done, comprehensive, and significant piece of work. Environmental reporters such as Mr. Cahn are performing a major public service in presenting to the Nation these illuminating reports on issues that are of grave and immediate concern to all of us.

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

ALASKA'S OIL: A NATION'S DILEMMA—ALASKA SITS ON GREAT OIL GUSHER

(By Robert Cahn)

PRUDHOE BAY, ALASKA.—Inside the small blue shed, the gold-painted wheel on the wellhead glints in the Arctic sunlight. The wheel is turned tight now, shutting off the well before it can start into production. The needle of a gauge stands at the 1,500 mark, registering the pounds per square inch of pressure from the oil deep beneath the wooden floor.

Some time in the not-too-distant future, possibly by 1972, that wheel and others nearby will be turned on. The first surge of oil from what may turn out to be the largest field ever discovered on the North American continent will start flowing through a 48-inch pipeline that will extend 800 miles from Prudhoe Bay on the ice-filled Arctic Ocean to the all-year Port of Valdez on the Gulf of Alaska.

POLITICAL TIME BOMBS

From Valdez, tankers will carry the oil to the West Coast, while other tankers may ply the Northwest Passage, bringing oil from the Arctic to the eastern United States.

This, at least, is the projection of the oil companies.

Exactly when the oil will start flowing, what will be the route and construction details of the pipeline, what protections will be taken against pipeline breaks or tanker spills, what irreversible harm might be done to the land and the wildlife, are matters of utmost concern these days to the oil industry, conservationists, Alaska state officials and Alaskan natives (Eskimos, Indians, and Aleuts), the United States Department of the Interior, and several other federal agencies—not to mention the White House and a number of other oil-producing nations around the world.

The federal executive decisions inherent in opening up this last great national-wilderness section of America are political time bombs. The impact of a disastrous Alaskan oil spill, for instance, coming in the midst of the 1972 election campaign, could be a tremendous setback for a President who had preached environmental protection the previous four years.

It could be especially embarrassing to an administration which, at the time of the Santa Barbara oil spill, blamed the previous administration for allowing companies to open up the Santa Barbara offshore oil field without holding public hearings, making adequate geological studies, or weighing environmental hazards against potential benefits.

The pressure of Santa Barbara can already be seen in the hurried scheduling by the Department of the Interior of public hearings in Fairbanks Aug. 29 and 30 to let all sides in the Alaska pipeline controversy get their arguments into the record. Interior officials had indicated earlier that public hearings would not be necessary.

Additional pipeline hearings may be held in Washington by the Interior Department as well as by congressional committees.

PUBLIC APATHY RECALLED

In bygone years when the public was apathetic about the environment, and before "Santa Barbara," the formal application of a consortium of oil companies for a right of way across federal lands to build a pipeline undoubtedly would have received relatively quick favorable response from government. The nation's defense needs for additonal domestic oil, and the lure of lease bonuses and royalties to fatten federal income, would have run roughshod over any cries from conservationists—as happened at Santa Barbara.

The recent environmental awakening by the public has caught many people by surprise. An extensive article on the Arctic oil rush in Fortune magazine last April made matter-of-fact reference to the pipeline without even mentioning the growing controversy. And the oil companies were so confident of getting the permit that they placed orders with Japanese steel companies for $300 million worth of pipe, with the first delivery scheduled for this September in Valdez, the proposed terminus of the pipeline.

The Alaska oil situation is extraordinary in many ways.

The pipeline right-of-way application runs headlong into another controversy over land claims of Alaskan natives and a land "freeze" ordered by Stewart L. Udall, former secretary of the interior.

Mr. Udall banned development or change in ownership of the millions of acres of federal land in the state until the controversy over lands claimed by natives is settled.

COMPLICATION ADDED

Mr. Udall's successor, Secretary Walter J. Hickel, further complicated things at his nomination hearings last December. In his eagerness to please the Senate Interior Committee, Mr. Hickel promised that he would not take any action in lifting parts or all of the land freeze until he had discussed each proposed "exception" with the committee. Secretary Hickel is thus committed to bringing the pipeline proposal before the Senate committee, which may then decide to schedule hearings on its own.

President Nixon could, of course, abrogate the unprecedented commitment of Secretary Hickel as being against the traditional separation of powers between the executive and legislative branches. But the White House has chosen for the time being to let the situation continue. The Interior Department recently went before both Senate and House Interior Committees before lifting the freeze to allow construction of a 53-mile section of road along the proposed pipeline route north of Livengood.

The President first took official cognizance of the Alaskan oil situation last May 9 when he directed Secretary Hickel to expand an Interior Department Alaskan-oil task force into a governmentwide group, and to consult with people outside of government.

REPORT DEADLINE SET

"It is urgent that we consider now the ways in which we can explore and develop, without destruction and with minimum disturbance, the oil resources of northern Alaska," Mr. Nixon said in his memo to Secretary Hickel. A date of Sept. 15 was given for a preliminary report to the White House.

The President had received a telegram a few weeks earlier from a group of Alaskan and national conservation leaders assembled at the Sierra Club's wilderness conference, where Alaskan oil development was the central topic of discussion.

The conservationists urged the President to appoint "a blue-ribbon committee to review the impact on Alaska's environment of massive oil development and timber harvesting, along with the web of new transportation facilities they will bring. This committee should carefully study the effect these changes in the environment will have on the lives of Alaskans and all Americans."

Although a "blue-ribbon" committee has not yet been appointed by the President, the intergovernmental task force led by Interior Undersecretary Russell E. Train has worked diligently in the past two months seeking to spell out the technical and environmental regulations for oil companies to follow in building a pipeline without harming the environment.

Experience in the Arctic during the last 20 years has shown that those engaged in oil exploration have frequently produced harmful effects on the environment in the forms of erosion from seismic testing and gouging out of the tundra with heavy vehicles, or leaving thousands of 55-gallon oil drums scattered over the wilderness, or indiscriminate killing of wildlife.

The oil companies, currently on the defensive in their urgent push for the pipeline permit, have some strong arguments supporting their request for immediate approval. They gambled millions in wildcat oil exploration before the first strike in 1968. They are willing to invest more than a billion dollars in the pipeline and terminal facilities, even before the extent of the oil reserves is known.

They are spending large sums on ecological and technological research to minimize environmental damage and prevent a break or oil spill.

The development of this oil field will greatly aid Alaska's economy and relieve a shortage in domestic oil production which is expected to hit the West Coast in 1972, the year the proposed pipeline is scheduled for completion.

Secretary Hickel has taken the position that he has no other choice than to allow construction of the proposed pipeline once he is assured it can be done safely, without damaging the environment unduly and without abridging the rights of Alaskan natives.

The federal government has given no indication yet that it intends to consider the pipeline decision in the context of the larger question of the entire development of federal lands in the Arctic, whether or not a pipeline is the best or only practical way to get the oil out, or whether there is great urgency to use up these mineral resources now.

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ALASKA'S OIL: A NATION'S DILEMMA—OIL COMPANIES TOOL UP FOR PLUNGE INTO ALASKAN VENTURE

(By Robert Cahn)

PRUDHOE BAY, ALASKA.—Our small amphibian plane had not shut down its engine before a uniformed security guard drove alongside in a pickup truck. Every unscheduled plane is checked immediately at Prudhoe Bay, where the "tight hole" security of the Arctic oil rush is specially rigid.

As soon as we identified ourselves and proved that the visit had been okayed by oil company officials, the guard became a guide. We would be allowed to see everything in the immediate vicinity, the guard explained. He would show us the Sag River State Well No. 1, where the oil strike announced in June, 1968, substantiated rumors that the Prudhoe Bay field might be one of the biggest in history.

But it was doubtful, the guard said, that we could visit any active operations. A number of VIPs were visiting on this day, so no officials were available to escort us to any rig site.

LAND SALE SCHEDULED

The reason for this tight security is that the first major Arctic North Slope lease sale on state land since the 1968 strike is scheduled for Sept. 11. The fiercely competitive bidding on 431,104 acres of potential oil-producing land may top $500 million—excluding royalties. All of the money will go to the State of Alaska, which at present has a total annual budget of only $200 million. "Who found what where" and even "who didn't find what where" are top secret matters.

The first estimates a year ago were that this oil field might reach 5 billion barrels, rivaling the east Texas field discovered in 1930. Current estimates range from 10 or 20 billion up to 100 billion barrels.

It is, of course, possible that these estimates are far too high. But any visitor to Prudhoe Bay rapidly realizes that someone must know something positive, or else the oil companies are throwing their money around just for the fun of it.

The area near the airstrip is base camp for the Atlantic Richfield Company (ARCO), which is in partnership with Humble Oil Company and the BP Oil Corporation (British Petroleum) to build the 800-mile pipeline across Alaska from Prudhoe Bay to Valdez.

WILDERNESS URBANIZED

A former high Alaska state official once said: "We are building a Fifth Avenue on the tundra." Prudhoe Bay may not yet be Fifth Avenue. But it has come a long way toward urbanization in a short time. Until recently, all that could be seen on the flat, barren Arctic coastland covered by snow and ice most of the year, was an occasional Eskimo fishing or hunting, and an abundance of migrating caribou, plus bears, wolves, birds, and other wildlife.

Today there are 15 oil rigs in the Prudhoe Bay area, with about 40 men at each rig, plus several hundred men on construction jobs at the base camp. Many other rigs poke out into the sky at widely scattered parts of the 56 million acres of land between the Brooks Range and the Arctic Ocean which has been labeled the North Slope.

ROUND-THE-CLOCK ACTIVITY

The bustle of construction pervades the 24-hour-daylight atmosphere in the summer days of midnight sun. The weather is mild, in the mid-50's. But there were snow flurries the day before—a reminder that in winter,

temperatures here plunge to —50 or —70 degrees F.

At the airstrip cargo was being disgorged from two giant Hercules planes, each carrying 20 tons of equipment. Nearby stood a chartered jet plane which had brought in the board of directors of Atlantic Richfield, and a small plane carrying United States Sen. Mike Gravel (D) of Alaska and Birch Bayh (D) of Indiana.

As we drove through the area, our guide pointed out the construction under way: permanent quarters for 225 men ("with wall-to-wall carpeting"), a cement plant, a crude-oil topping plant, a hangar, garage, welding shop, recreation hall, and sewage disposal plant.

STEAK AND FRESH VEGETABLES

Graders leveled the gravel on the airstrip. Mammoth Sky Crane helicopters waited for their next assignment—they had just come back from lifting an entire derrick and rig across the marshy tundra to a new site.

At the mess hall, workers went through the cafeteria line. The food was many degrees above standard cafeteria fare. The men filled their plates with steak, turkey, fresh vegetables, fresh strawberries—the best that money can buy to stoke the mammoth appetites of those who work 12-hour shifts, seven days a week.

The only place where there was no activity was at the small blue building which covered the wellhead where Sag River State Well No. 1 had come in. Until the pipeline can be built to take the oil out, the valves will-remain shut.

EXPENSES COMPARED

At the invitation of Senator Gravel, this correspondent was able to accompany the two senators on a short helicopter ride to a new ARCO well just getting started. On the way we passed a number of oil derricks, several gravel pads for helicopter landings, another landing strip, and a gravel spit on Prudhoe Bay for unloading barges. Much of the marshy land below us was scarred where the landscape had been gouged by seismic exploration or by tracked vehicles moving across the tundra.

At the new Southeast Eileen well, we watched as a drill churned through the permanently frozen ground.

Oil drilling in the Arctic is difficult and expensive, oil company officials explained. Wildcat wells which in Texas might take three or four days to drill take three weeks or a month here. The first 2,000 feet of drilling on Southeast Eileen would give the most trouble. Once through the layer of ice-rich soil, drilling would be easier. They were hopeful that at the 8,000-foot level they would hit oil. But it could be a dry hole.

Forty-three wells have been started on the North Slope since 1963, most of them within the last year. Earlier drilling by the Navy in the 1940's and 1950's of 37 exploratory wells in the federal government's naval petroleum reserve No. 4 to the east, was unsuccessful in terms of large-scale commercial finds. ARCO's own exploration south of Prudhoe Bay along the Sagavanirkok River at Susie Unit No. 1 was a $4.5 million dry hole.

INITIAL TESTS RUN

In February, 1968, however, ARCO's Prudhoe Bay No. 1 well struck gas at 8,500 feet. Later, the company disclosed that in initial tests the Prudhoe well had flowed at a rate of 1,152 barrels of oil a day.

Then came the strikes at ARCO's Sag River State No. 1, and British Petroleum's Put River No. 1—all in the Prudhoe Bay area. All wells now are capped until a way can be found to get the oil to market economically.

"We figure the field can produce 150,000 barrels a day per billion barrels in the field," said Louis F. Davis, ARCO's executive vice-president for development. "The 48-inch pipeline we will build can take 2 million barrels a day. We are going to start with 700,000 barrels a day."

Mr. Davis and Senator Gravel both expressed dismay that the Department of Interior has delayed in lifting the land freeze and granting the right-of-way permit to go ahead with the pipeline which by 1972 is expected to carry oil from Prudhoe Bay to the year-round port of Valdez on the Gulf of Alaska. From Valdez, tankers will transport the oil to refineries on the West Coast.

COOPERATION PLEDGED

"The oil companies have hundreds of millions invested," said Mr. Davis. "One year's delay would be very costly, both in interest and in delayed profits." Mr. Davis said the oil companies were willing to cooperate with the government "in any reasonable way" regarding environmental and safety regulations set down by the government.

Senator Gravel said he saw no reason for the government to hold up the pipeline decision. "The federal government should be able to act as fast as industry," he said. "The pipeline can be supervised as we go along."

Some other members of Congress, and a number of leading national conservation leaders, are urging extreme caution before giving the go-ahead for the pipeline. They are not yet assured that it can be built without damaging much of the fragile Arctic wilderness. And they are requesting more research and public consideration of potential hazards of the pipeline, as well as its relationship to Alaska's plans for development of the entire Artic area, before any decision is made that irrevocably sets a pattern for the future.

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ALASKA'S OIL: A NATION'S DILEMMA—ALASKAN PIPELINE ROUTE—THREAT TO WILDERNESS?

(By Robert Cahn)

ALONG ALASKA PIPELINE ROUTE.—Flying over the northern route of the controversial 800-mile pipeline which would move oil from the mostly icebound Arctic Ocean to a year-round port on the Gulf of Alaska, one can get a better perspective on the basic points of contention.

It is vast country, millions of uninhabited acres, certainly big enough to include a 48-inch diameter pipeline that is planned to be 95 percent underground.

The scars of exploration for a pipeline route, cutting through the forests or across the tundra, are easily visible from the air when you look for them. But in the scale of the Alaskan Arctic they are really, in themselves, insignificant.

"No one could object to a single road going through the length of California," comments Secretary of the Interior Walter J. Hickel, who as governor of Alaska authorized a temporary "ice highway" last winter for transporting supplies to oil-company installations up at Prudhoe Bay on the Arctic Ocean.

As governor, Mr. Hickel favored the pipeline. As Interior Secretary, his current position is that before a permit is issued, sufficient assurance must be given that no permanent damage be done to the land and the wildlife.

The vastness of the Arctic north, however, also provides the basis for opposition to the pipeline. This is wilderness, the largest continuous wilderness left in the nation. It has mountains, glaciers, tundra and taiga, pristine lakes and rivers, wolves, bears, hundreds of thousands of migrating caribou, and a great variety of birds and other wildlife.

Civilization, except for native villages (and the new North Slope oil activity), now ends at Livengood, 74 miles north of Fairbanks. From there on you can go for hours without seeing a person, or house, or store, or telephone pole.

It isn't the single 100-feet-wide right-of-way through this wilderness that is the chief danger, say pipeline opponents. To build a pipeline, a road is needed. Alaska is demanding that the road be built to all-year highway standards and turned over to the state.

Highways sprout motels, service stations, cafés, and connecting roads. They bring people in ever-increasing numbers. Some of the people will get off the roads and cut up the tundra with their jeeps and snow vehicles, and the erosion can quickly expand ruts into wide ditches in this fragile country. And wildlife will lose out to hunting, or poaching, or just to human intrusion.

WHAT OPPONENTS ARGUE

With all of this at stake, argue the opponents, why should there be such a rush for a decision, especially when it is going to be made for one industry and a few companies? Where, they ask, is the overall resource development and management plan for this northern sector of the nation's largest state?

There may be short-term economic gains in taking out all the oil over the next 20 years, they admit. But should not economic factors be weighed against what might be best for future generations?

A flying trip over the proposed pipeline route has become a priority item for government officials now involved in the controversial decision on the proposed pipeline. In recent weeks, Secretary Hickel, Interior Undersecretary Russell E. Train (who heads the intergovernmental task force on Alaskan Arctic oil development), Transportation Secretary John A. Volpe, and other high officials have flown over the Arctic to Prudhoe Bay, the center of the 1969 oil rush and starting point of the pipeline route.

My opportunity to have an on-the-scene view of the route came with an invitation to go along on an inspection trip with David M. Hickok, assistant to the chairman of the Federal Field Committee for Development Planning in Alaska.

"SWATH" FOLLOWED

Taking off from Fairbanks, we followed the swath cut northward through the taiga (coniferous forest) by the exploratory crews of the Trans Alaska Pipeline System, (TAPS). They have been seeking the stable soils in the permafrost (the term for water-rich ground below the surface that has remained below freezing two or more years).

Looking down on the wooded hilly area that lies north of Fairbanks to the Yukon River, you can see the route mostly because a bulldozer preceded the soil-drilling rig, knocking down the trees and brush and often scraping off the protective vegetative mat above the permafrost. Following the path of the bulldozers, a soil-rig crew has made tests with a small drill. What is learned from the samples taken from the permafrost is the basis for determining where the pipeline is to go.

ORDER MODIFIED

If the pipeline is to be buried, the soils must be stable enough to keep the mammoth, heavy sections of pipe with hot oil inside from sinking, or to prevent the soil around the sides of the pipe from eroding Thus the TAPS geologists must avoid extremely ice-rich permafrost and seek out areas that have high gravel content.

For a 53-mile route north of Livengood to the Yukon, Secretary Hickel has just modified the "land-freeze" order imposed by Stewart L. Udall, former secretary of the interior, to allow TAPS to build a road. Secretary Udall had ordered all federal land in Alaska withdrawn from development or change in ownership until disputes over Alaskan natives' claims on much of the land could be settled.

Secretary Hickel has publicly warned his successor as Governor of Alaska, Keith H. Miller, that inasmuch as the state has authority over the highway right-of-way, the performance on this road construction "will bear direct relevance to our subsequent response to the 800-mile pipeline application."

The road section "will be regarded as a showpiece to the nation that the fundamental questions arising from the impact of modern technology upon a delicate ecosystem can be resolved without detrimental effects upon the environment or the native peoples," Mr. Hickel said.

EXPENDITURE ESTIMATED

TAPS plans to spend $11 million on this 53-mile road section, build it to state-highway standards, and then turn it over to the state after the pipeline is completed.

The pipeline is supposed to be buried under the Yukon River, and no permanent bridge now is planned. North of the Yukon, we followed the route across the tundra to the middle fork of the Koyukuk River, and into the Arctic Circle.

Then we entered the magnificent Brooks Range, which crosses Arctic Alaska on an east-west line, and followed the pipeline route along the stream bed of the Dietrich River to its source land. Then up over a high pass to the Atigun River.

Now we were on the "north slope" of the Brooks Range, from which all the land, even the flat area near the coast, derives its name. Alongside a small lake a few colorful tents marked a campsite, and our pilot set the amphibian plane down for a stop. We were going to visit with a team of scientists hired by the TAPS to study the ecology of the area.

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ALASKA'S OIL: A NATION'S DILEMMA—ALASKA PIPE PLAN SPARKS CRASH ECOLOGICAL RESEARCH PROGRAM

(By Robert Cahn)

ON THE NORTH SLOPE, ALASKA.—Dr. William W. Mitchell came walking across the tundra carrying a long, narrow cloth sack. Inside were specimens of plants, grasses, sedges, and dwarf willows. As part of an ecological study team he was returning to this base camp in the foothills of the Brooks Range after a day gathering specimens along the route of the oil pipeline proposed to cross Alaska from north to south.

In a small but significant way, Dr. Mitchell and a number of other scientists are playing an unusual role in what is becoming one of the nation's major resource development concerns over proposals to build a massive 48-inch pipeline 800 miles across Alaska to open up the recent North Slope oil discovery.

RESEARCH UNDERTAKEN

Oil companies are sitting on what may be the biggest oil field on the continent. But without a pipeline, they cannot get the oil out of the icebound Arctic and on its way to market. The application of the Trans Atlantic Pipeline System (TAPS), a subsidiary of one British and two American oil companies, to build this pipeline has drawn criticism from conservationists who believe that it will irreversibly damage the environment in this vast wilderness area.

TAPS has hired Dr. Mitchell and others to undertake basic and applied research on various problems associated with pipeline construction and operation and the potential effect on vegetation and wildlife in the Arctic.

On an Arctic inspection tour with David M. Hickok, assistant to the chairman of the federal field committee for development planning in Alaska, I had an opportunity to see some of this research firsthand. We had been flying over part of the pipeline route from Fairbanks to Prudhoe Bay, when Mr. Hickok asked pilot Theron Smith to set the two-engine Gruman Goose down on a small, unnamed lake about 130 miles south of Prudhoe Bay.

SLOW TO RECOVER

Here we found the TAPS ecological team at work. Dr. Mitchell, for instance, was seeking more knowledge of what takes place when natural disturbances occur in this wilderness country, such as rivers changing course. He was looking for species of plants or grasses that can pioneer under natural conditions.

Dr. Mitchell sends the specimens back to his laboratory at the University of Alaska agricultural experimental station at Palmer, Alaska. There some of the plants will be grown out and the seeds planted in test areas where the carpetlike tundra has been scraped off to stimulate disturbances such as might occur in pipeline construction.

His work is important for what it can contribute to solution of a major Arctic problem. Scars of erosion from damage done to the tundra 10 or 20 years ago can still be seen throughout the Arctic. The tundra, an entire ecosystem of plants, grasses, sedges and dwarf trees, is slow to recover from intrusion—especially when the permafrost below it is exposed and starts to erode.

The other members of this ecological team were Canadian and English. Dr. Peter W. Elliott, of the University of Lethridge in Alberta, was surveying small mammals, and Dr. Peter J. McCart and Vernon Pepper of Regina University in Saskatchewan, were studying fish. Dr. Bryan Sage, an expert on birds and leader of the team, was in Washington at the time of our visit. He is in charge of environmental studies for BP Oil Company (British Petroleum).

OTHER RESEARCHERS AT WORK

The team was put together hurriedly early in the summer, and Dr. Sage had not been able to get scientists for two key jobs—soil studies, and large mammals.

Dr. Mitchell and his associate were somewhat dubious as to how much could be accomplished in eight weeks this summer. They felt that about all they could do would be to describe the nature of the plant, fish, and wildlife communities they observed as a standard against which to measure potential damage after the pipeline is built.

Elsewhere on the North Slope and at the University of Alaska at Fairbanks, other environmental and engineering research is taking place, most of it sponsored by the oil industry.

"Oil companies have shown incredible determination to do a good job of conservation," says Dr. Kenneth Rae, vice-president for research of the University of Alaska, which is coordinating much of the research work. "I think that sufficient research is going on for safeguards in building the pipeline."

While Dr. Rae and many others are applauding the oil companies for spending hundreds of thousands of dollars on research, some individuals remain skeptical. Conservation leaders say the oil companies are just "running scared." The oil industry sponsored research is being done, conservationists add, largely to allay public fears that the building of the pipeline, a possible break or leak after it goes in, or the opening up of the area to development and wide public use could irreparably damage the Arctic wilderness.

Dr. David R. Klein, leader of the university's Alaska Cooperative Wildlife Unit, says of the million dollars spent by oil companies in the last year on research, that most of it has been for engineering studies connected with pipeline construction, and only $100,000 of it has been on studies oriented to ecology or biology.

MORE TIME URGED

"Engineers think of solving problems by the amount of time and money you put into it," says Dr. Klein. "But with ecology you are dealing with time cycles, and can't have a rush program. We shouldn't be rushed into such an important decision as the pipeline, and have to act fast to meet the pace set by the oil operations. It wouldn't hurt to delay the decision until the basic environmental problems have been solved."

Until early this year, the federal field committee had the responsibility for coordinating the activities of various government departments with regard to planning for Arctic resource development. Mr. Hickok had obtained agreements from federal and state agencies to cooperate with TAPS on phases of environmental research.

But lack of funding and manpower prevented extensive federal and state studies and coordination of activities. A crash program of research was started this summer after an inter-governmental task force on Alaskan oil development, headed by Interior Undersectretary Russell E. Train, assumed responsibility for coordinating federal programs.

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ALASKA'S OIL: A NATION'S DILEMMA—ALASKA WILDS NOT BIG ENOUGH TO HIDE THE TRASH

(By Robert Cahn)

BROOKS RANGE, Alaska.—Visiting the north slope of the Brooks Range in the Arctic, it was easy to see why the conservation-minded are opposing the 800-mile pipeline sought by the oil industry to get its oil to market.

One can readily understand the theory that the vast, virtually uninhabited 100,000 square-mile area north of the Arctic Circle can include a single pipeline and the road necessary to build it.

But if past is prologue, the conservationists have good reason for concern over the increase of man's industrial activity in this Arctic wilderness.

The concern was brought vividly to mind for me after I had spent a night and day camping alongside a small lake in the foothills of the Brooks Range, which crosses Alaska just north of the Arctic Circle.

Probably fewer than 50 people had ever walked beside this lake, one of hundreds in the area. It had no name, but was dubbed "Lake 2900" (the elevation was 2,900 feet) by the scientists who were temporarily making camp alongside it as they did ecological research for the Trans Alaska Pipeline System.

BEAUTY READILY APPRECIATED

I had learned in my few hours here to appreciate the beauty of tundra, the carpet of mosses, sedges, grasses, wild flowers, and dwarf willows that in summer emerges from under a winter snow mantle to cover the treeless slopes, valleys, and flatlands. The tundra is really a miniature world of its own.

On a short walk just before leaving the camp, I discovered the marks of civilization. Less than a mile from the pristine lake, I came across the abandoned camp of an oil exploration crew. Oil drums, gasoline cans, wooden boxes, and other trash were strewn about on the tundra, where they had been discarded. The trash pile seemed to be saying: "What's the harm in a few old barrels among millions of desolate acres of land."

Later, in flying over the parts of the north slope, I saw other piles of trash. I was told by veterans of the Arctic that some of the trash had been there for years—in the Arctic deep freeze, oil drums and wood do not decay easily.

It was not all the responsibility of oil companies. Some of the trash was left by government study teams, such as the United States Geological Survey. And the Navy had never done anything about cleaning up the small mountains of trash left at Umiat and other places on the Naval Petroleum Reserve No. 4 during the oil explorations of the 1940's.

STREAM BEDS STRIPPED

I also saw the widening erosion caused by seismic exploration crews, or by heavy vehicles pushing across the soft tundra after the snow had left. I saw signs of pollution in the streams and in the ponds behind the oil construction camps.

And I had been informed by state and federal officials of how gravel for construc-

tion had been taken out of stream beds without prior knowledge of how it might affect fish spawning.

Officials spoke of cases of grizzly bears being shot when attracted to garbage dumps near the oil construction camps, and how the wolf and white fox were hunted down in winter by the oil camp workers.

In perspective, of course, these comparatively few signs of civilization in such a large area were perhaps of minimal harm—so far. And I found signs to indicate that some oil companies, especially those seeking the permit for the pipeline, are trying to reverse prior practices and to set high standards for protection of the environment.

When I flew in a helicopter from the Atlantic Richfield Company (Arco) field headquarters at Prudhoe Bay to a new Arco oil well being drilled a few miles away, no litter of any sort could be seen on the Arco-leased state land. Arco uses helicopters to place freight pallets on the tundra, then sends men on foot to collect oil drums and other trash—much of which was left by others before Arco arrived on the scene.

EROSION UNDERESTIMATED?

Arco officials also pointed out to me a small tract of damaged tundra which was being seeded with 39 varieties of grasses in an experiment to seek ways of revegetation. The company is building a sewage disposal plant at Prudhoe Bay. And Arco is compelling strict enforcement of rules against vehicles getting off the few roads into the tundra.

Dr. Max C. Brewer, director of the Navy's Arctic Research Laboratory at Barrow, and one of the leading authorities on Arctic resources, feels strongly that some of the people planning the pipeline, and some federal officials involved in the pipeline decisions, may be underestimating the significance of the erosion problem in the Arctic.

He has pictures to show of 20-foot-deep ditches developing in a few hours out of what had been just a narrow scarring of the tundra by a heavy vehicle.

"STIPULATIONS" PROPOSED

Dr. Brewer also says that much of the damage has occurred in the past because the oil companies have not assumed responsibility for the activities of their contractors.

Geophysical companies which do the exploration for the oil companies have torn up much of the tundra with their rigs and explosive charges, and have left their litter behind. They are doing a job as fast as they can, and cutting costs where they can.

Once it appears that a good place has been found for drilling, construction people are given contracts to move in their massive equipment to prepare airstrips and erect buildings and put in roads.

"Unless control is obtained over the contractors, we can expect no change," warns Dr. Brewer.

The Department of the Interior, which has the power to issue the pipeline permit, believes it has the answer to this problem. A task force headed by Interior Undersecretary Russell E. Train has prepared a 117-page book of "stipulations" which it expects the pipeline system representatives to accept if a permit is to be issued.

Stipulation No. 4 requires that the pipeline permittee, the Trans Alaska Pipeline System (TAPS), "shall be liable for damages from many wrongful or negligent acts" done in building the pipeline. And the Interior Department is demanding that TAPS post a $50 million performance bond from which will be paid out whatever is necessary to restore and rehabilitate any damaged area.

The specific stipulations relating to timber cutting, pollution, cleanup of spills, construction, fire prevention, use of explosives, protection of wildlife, use of pesticides and damaging the ground are unusually severe. If agreed to, and if followed, they should go a long way toward preventing permanent damage to the Arctic environment.

The stipulations, however, do not satisfy the conservation leaders. They point out that no one yet knows if the tundra can be restored, or how much erosion will take place before it is restored. They know that even the best stipulations are unenforceable without the manpower to inspect the work continuously. And neither the state nor the federal government had a single employee continuously in the north slope last winter.

Interior Underscretary Train indicated to a Senate subcommittee earlier this month that the department is requesting 142 additional positions and a supplemental budget of $3,150,000 for studies and inspection work relative to the north slope oil development. But the administration has yet to agree to this additional employment and funding.

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ALASKAN'S OIL: A NATION'S DILEMMA—ALASKANS CONTEMPLATE OIL IMPACT

(By Robert Cahn)

JUNEAU, ALASKA.—"When it crosses the Yukon River, the pipeline will be 25 feet under the surface, set into 10 feet of bedrock."

The lights had been turned off in the ballroom of the Baranof Hotel during the weekly meeting of the Juneau Chamber of Commerce. All attention was focused on the speaker, David Henderson, who was giving details of the 800-mile-long pipeline proposed to cross the main body of Alaska from north to south.

Anything connected with the new oil rush has great interest all over Alaska. And it held special significance for the many state employees included in the audience here in the capital. The pipeline, they realized, would hasten economic development of the North Slope oil. And it would pour into the depleted state treasury added millions, maybe billions, from sale of leases and from royalties.

Mr. Henderson, a tall, sparse Englishman, was appearing on this summer day in a public-relations role although he is really an engineer. His chief job is directing pipeline field development in the trans-Alaska pipeline system (TAPS), a consortium representing one British and two American oil companies which have extensive leases in the North Slope.

RIGHT-OF-WAY ASKED

TAPS applied last June to the Department of the Interior's Bureau of Land Management for a right-of-way across federal land to build the pipeline. And TAPS also asked that the "land freeze" imposed by Stewart L. Udall, former secretary of the interior, to protect native land claims be modified to allow construction of the pipeline. No action on either count has yet been taken by the federal government.

With a pointer, Mr. Henderson traced the route of the pipeline from Prudhoe Bay on the Arctic Ocean to the year-round Port of Valdez on the Gulf of Alaska, from whence the oil would go by tanker to the West Coast.

A geological team had bored holes every 1½ miles over the northern 600 miles, seeking the best soil conditions, Mr. Henderson told the audience. TAPS was especially concerned about avoiding "ice lenses," large sections of pure ice hidden under the tundra.

Soil conditions were the key to selecting the route. The requested route had avoided the 2,700-foot-high Anatuvak Pass through the Brooks Range in favor of the 4,700-foot-high Dietrich Pass, even though it would be more difficult and more expensive. The soils in Amatuvak Pass were not adequate for the heavy pipe.

INSULATION INCLUDED

The pipeline will be four feet in diameter, inner measurement, with special insulation to cut down the spread of heat. All except 50 miles of the pipeline will be buried, much of it in permafrost, and surrounded by gravel fill. The pipe that must go above ground will be supported by concrete piles and will be in relatively short sections so as not be become a barrier to the large herds of migrating caribou. Where necessary along migration routes, ramps or underpasses will be provided.

And extensive safety measures are being taken to detect and electronically "sense" major leaks along the route, and to automatically trigger a shutdown of the pipeline.

When the short talk ended, the lights came back on, and Mr. Henderson answered questions.

"How much will the pipeline cost?" (Answer: including the port facilities at Valdez, about $900 million.)

"How hot will the oil be inside the pipe?" (Answer: from 160 to 170 degrees, the temperature of the oil as it comes out of the ground.)

CONSTRUCTION SCHEDULE?

"What is the construction schedule?" (Answer: TAPS hopes to start building a road from Livengood to the Yukon River this September, preparatory to putting in the pipe next year. The road from the Yukon to Prudhoe Bay should be built in 1970. Some pipe will be arriving in Valdez this fall, and other sections will go by barge to Prudhoe Bay. TAPS hopes to have the pipeline in operation by 1972, when a shortage of oil is expected on the West Coast.)

"What will be the pipeline capacity?" (Answer: about 500,000 barrels a day at the start, with a maximum capacity of 2.6 million barrels.)

Surprisingly, no one in the audience asked about possible harm to the environment. Mr. Henderson admitted later in an interview that when he had given the same talk in Anchorage, he had been severely tested by conservationists wanting to know how the pipeline could be built without damaging the fragile Arctic tundra or endangering the wildlife.

SOLUTIONS SIGHTED

Mr. Henderson said that despite the fears of conservationists, he felt most of the environmental problems could be worked out satisfactorily.

"It is possible we will find points of conflict between conservationists and engineers which may need further study next year," he said.

He acknowledged that TAPS still had to deliver to the Bureau of Land Management more exact route information, and other technical data. And he expected that a good deal of negotiating would be necessary before agreement could be made on the construction stipulations which the Department of the Interior were planning to impose on TAPS.

He was also worried over the growing strength of conservationists who were seeking to have the pipeline permit delayed, or even denied, unless better assurances could be given that the Arctic wilderness would not be ruined by the impact of the pipeline.

Although most of the Juneau Chamber of Commerce members remained blissfully unconcerned with the controversy surrounding the pipeline proposals, many individuals in Fairbanks, Anchorage, and Washington are acutely aware that many obstacles remain to be worked out before—or even, if—pipeline construction gets under way.

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ALASKA'S OIL: A NATION'S DILEMMA—ALASKAN OIL DOLLARS COULD RELIEVE WIDESPREAD POVERTY

(By Robert Cahn)

JUNEAU, ALASKA.—It's no wonder that Alaskan Gov. Keith H. Miller, most state officials, and the entire congressional delegation in Washington are so anxious to prevent any delay in approval of the application for a pipeline across the state that will start

oil flowing from the Arctic to the marketplace.

Dollars. By the millions. Maybe even billions.

For a decade, the nation's biggest state in area has been one of the poorest in revenues. It has not been able to tap its large store of natural resources, nor build a large agricultural or industrial export base. Thus it has for years lagged in funds for schools, roads, and other public services.

The state's stopgap economy has been largely dependent on federal revenues. Most of the natives (Eskimos, Indians, and Aleuts), who constitute 20 percent of the population, are living in poverty. Alaska has never even been able to afford a capitol building—the Governor and his staff work out of the old federal building here (the federal government has a fancy new structure).

BONUS MONEY SIGHTED

Now all this is changing. The sale of oil leases this week on a small part of state land in the Arctic was expected to bring from $500 million to $2 billion in bonus money to the state treasury. When the pipeline is completed, more than $50 million is expected the first year in oil royalties and state taxes.

These figures are only the beginning. The state will lease more of the land it already holds and will select additional public land which in turn can be leased. And as a special provision of the Statehood Act, Alaska will get to keep 90 percent of all revenues from oil leases and royalties on federal lands (instead of the 37½ percent allowed to other states having public lands with mineral resources).

Every billion of oil revenue would be equivalent to about $3,600 for each of Alaska's 275,000 citizens. It is figures like this that have produced rumors and all kinds of wild schemes about what the oil bonanza will do to Alaska.

Although the state does not yet have firm long-range plans for resource development or for spending increased revenues, steps are being taken in several directions to remedy the situation.

TASK FORCE NAMED

Governor Miller has appointed an oil-impact task force to advise him on the challenges ahead. The Stanford Research Institute has been hired to make a comprehensive study of Alaska and come up with long-range plans for development, as well as recommendations based on economic and social needs of the state in the next three to five years.

At the same time, the state's Legislative Council, a bipartisan interim committee of the State Legislature, has contracted with the Brookings Institute of Washington, D.C., to manage an Alaska policy conference.

The Brookings staff will consult with knowledgeable Alaskans about major trends in the state and will hold four seminars in the effort to develop a program that can be acted upon at the next session of the Alaskan Legislature starting in January, 1970.

While the planning gets under way as to how to spend the oil money, Governor Miller and Alaskan members of Congress are seeking to expedite the application of the Trans Alaska Pipeline System (TAPS) for the 48-inch pipeline that is to run across Alaska from the Arctic Ocean to the Gulf of Alaska.

SCRUTINY CRITICIZED

Governor Miller feels that the Department of the Interior is being too stringent in its scrutiny of the application and in making excessive demands on the oil companies for construction requirements.

He says the issues of potential damage to the environment that have been raised by conservationists can be worked out satisfactorily as the construction takes place. The state can adequately supervise the construction and still protect the environment, Governor Miller contends.

DAMAGE PONDERED

The Arctic region of Alaska, which is the main concern of conservationists who fear the pipeline will damage the environment or open up wilderness to excessive use and exploitation, has been neglected by the federal government, which still controls most of the land. Although extensive research funds have been provided for the Antarctic, comparatively little money has been allowed for Arctic research or protection.

Thus when the need has arisen to make relatively sudden decisions about the future of this vast and mostly wilderness area, neither the federal nor state government has known enough to be able to give satisfactory answers as to how much the proposed 48-inch oil pipeline would damage the Arctic environment.

David M. Hickok, natural-resources officer of the Federal Field Committee for Development Planning in Alaska, says that the development of Arctic oil should provide a national focus on all the economic, social, and scientific values of this new national frontier.

It is imperative that there be a national statement of policy and goals for the Arctic closely correlate with Alaska objectives, says Mr. Hickok.

Other priorities, he adds, should include a vigorous, coordinated effort to solve rationally Alaska's transportation problems, and an all-out effort to identify, establish, and dedicate land and water areas for wilderness, park, and wildlife values.

Not the least of the concerns should be a just settlement of the claims of the natives, and the full participation of the indigenous population in Alaska's progress.

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ALASKA'S OIL: A NATION'S DILEMMA—ALASKAN PIPELINE PUSH THREATENS MORE DELAY ON CLAIMS

(By Robert Cahn)

WASHINGTON.—While Alaska's spectacular sale of oil-field leases has the spotlight, the controversy continues over the oil companies' application to build a mammoth pipeline across the state.

But somewhere, lost in the shuffle, is the disputed claim of 55,000 Eskimos, Indians, and Aleuts to 90 percent of Alaska's land.

Since most of the natives have not been actively opposing the Arctic oil development or the pipeline, the tendency in Alaska and in Congress has been to consider the native claims and the pipeline controversies separately.

Yet the natives' desire for land settlement, after a century of delay, has become so strong that it may force a compromise or informal agreement with the natives on their claims before the pipeline application clears its congressional hurdles.

ISSUES CONNECTED

The two issues are definitely linked by the land "freeze" imposed by former Secretary of the Interior Stewart L. Udall in 1962 and strengthened just before he left office early this year. Mr. Udall issued administrative orders halting the transfer of federal lands to the state or individuals in areas covered by native protests—until such time as Congress defined the rights of native claimants.

This "freeze" blocked the state's program of acquiring by selection additional amounts of the 103 million acres of federal land that Alaska was granted by the Statehood Act.

In his confirmation hearings before the Senate Interior Committee last December, Interior Secretary-Designate Walter J. Hickel promised the committee he would not lift the freeze for the duration of the 91st Congress unless Congress settled the conflict. He also promised to bring before the Senate committee any proposed exceptions to the freeze. (The oil pipeline can be considered as an exception.)

WEDGE FOR CONSERVATIONISTS

Most observers say that if the freeze were not in force, the application for the 800-mile pipeline would have received administration approval with only slightly more fuss than that made over earlier major pipeline construction in the "lower 48."

But conservationists have made the most of the delay caused by the native-claims complication to state with vigor their concern over possible environmental damage to the Arctic. And it is the search for answers to the environmental issues that has in turn delayed Secretary Hickel's bringing before congressional committees the question of this exception in the land freeze.

The Alaskan natives have seen a hundred years of congressional buck-passing. In the 1867 purchase of Alaska from Russia (for $7.2 million), the United States gained sovereignty over the land but did not settle land ownership by individuals. The Alaska Organic Act of 1884 let Indians keep lands they claimed and were using but left to future legislation the problems of acquiring title.

STUDY ORDERED

Even the Alaska Statehood Act of 1958 left the issue unresolved. Meanwhile, a very few natives were able to get title to 160-acre allotments of nonmineral lands, and the Tlingit-Haida Indians were awarded $7.5 million in settlment when the government took their land for other uses.

Sen. Henry M. Jackson (D) of Washington made an effort to get a settlement moving early in 1968. As chairman of the Senate Interior Committee, he requested the Federal Field Committee for Development Planning in Alaska to make a thorough study of the native-claims issue, the social and economic conditions of the Alaska natives and the resources of Alaska and then propose a basis for settlement.

The 585-page field-committee report issued last February brought out in dramatic statistics the need for a settlement that would help improve conditions for the natives.

SETTLEMENT PROPOSED

Among the committee's findings were the facts that joblessness among native adults is 50 to 60 percent in spring and fall, as compared with 5 to 11 percent among all Alaskans; incomes of rural natives average $500 to $600 a year, including value of food gathered; and that health and housing are far worse for natives than for the nonnative population.

The settlement proposed by the field committee suggested giving native villages about 5 million acres, making available 160 acres of land to each nonvillage native who desired it, and having the federal government give to a native development corporation $100 million cash and up to $1 billion from leases or sales of minerals and land resources.

COMMUNAL GRANT LOOMS

Later, the U.S. Department of the Interior, the state, and the Alaska Federation of Natives (AFN) each put forth settlement plans. All parties generally agree that some sort of land grant will be given to villages, to be distributed communally rather than individually. The 40 million acres requested by AFN, representing a majority of the natives, undoubtedly will be compromised downward.

There is also agreement that there should be some kind of federal monetary settlement for native lands taken in the past and for sweeping the slate of all native claims. Both the state and the Interior Department go along with the AFN request for $500 million, which the natives maintain should go to a dozen regional-development corporations over a nine-year period.

The major obstruction appears to be over

the refusal of the state to give the natives rights to the leasable minerals (oil, gas, and coal) on the lands they will get, though the state is willing to give up rights for locatable hard-rock minerals (such as gold). The AFN has demanded a 2-percent "override" on all revenue from state and federal oil leases.

BETTER BREAK URGED

Many members of Congress feel the state should be more generous with the natives, especially since Congress was so generous with Alaska in the Statehood Act. Not only was Alaska given the right to select 103 million acres of federal public lands, but the state was awarded 90 percent of the resource revenues from the remaining federal land (other states with large federal land holdings receive only 37½ percent).

The native leaders contend that without control of the minerals on the land they would have no adequate safeguard that the land would not be developed in a way that would be harmful to their interest.

From the various proposals, the Senate Interior Committee is expected to approve a compromise bill within a few weeks. The committee hopes to obtain favorable action on the floor this year. The House Interior Committee, however, has indicated that it wants to hold additional hearings this fall in Alaska and thus probably will not be able to take up the bill until next session.

LEGAL CLAIM TOUTED

A number of factors contribute to the positions of the various interested parties.

The natives, backed by their new attorneys, former Associate Supreme Court Justice and UN Ambassador Arthur J. Goldberg and former attorney general Ramsey Clark, maintain they have a good legal claim to the land based on an original use and occupancy.

The natives require large amounts of land for villages because of their hunting and fishing occupations. And the natives are asking for the royalties on the oil because, without it, they would be giving up claim to 90 percent of the wealth of almost of all Alaska for only $500 million.

That would average out at "somewhere in the neighborhood of $1.30 an acre," commented Emil Notti, president of the AFN, at last month's Senate committee hearings.

IRONY DESCRIBED

"If the state of Alaska gets the $1 billion that is being talked about for 431,000 acres [the Sept. 10 sale of oil leases actually brought the state $900 million] we would be accused of making another Manhattan Island deal," Mr. Notti added.

At the Senate hearings, Mr. Clark noted the irony of state and Interior offers of income from gold but not from oil.

"I wonder, if this were 1896 (the gold-rush period), whether the proposal would be that the natives could have the leasables—because no one knew of oil, then—but not the locatables, the gold," Mr. Clark said.

The native position was also toughened at the August congressional hearings by the statement from Mr. Notti that they had not given up their claims to lands already selected by the state, but for which the state had not yet obtained full title. This might include the oil-rich Prudhoe Bay area.

Other natives near the Yukon River have objected to the proposed pipeline because of their concern over the consequences a pipeline break might have on their fishing resources.

GOVERNOR REVERSES POSITION

At the Senate hearings, Gov. Keith Miller reversed an earlier position and came out against sharing of oil revenues with the natives. His attorney general had informed him it would be illegal, he said. The natives could share in revenues as citizens of the state. But to give them an overriding royalty would be unfair to the other citizens of the state.

"I find the $500 million compensation figure is commensurate to the native losses, and I can see no justification for additional compensation," he said.

The Nixon administration has two problems in trying to meet the proposals of the native federation. The Bureau of the Budget is always opposed to earmarking of revenue funds, as would occur if they were to agree to an override on federal oil revenues.

"REPARATIONS" ASPECT QUESTIONED

But of larger concern to the administration would be the example that might be set in giving a large cash settlement and royalties that could be considered a reward for past injustices. Some black leaders might then argue: "If all that money can be given to 55,000 Alaskan natives, what about the demands of 20 million blacks for two centuries of injustice and inequality?"

Secretary Hickel, who left the governorship of Alaska to become Interior Secretary, would like to see a settlement that will not harm his political future in the state. But he is under pressure to go along with the administration position.

With the conflicting positions, it is possible that either Senator Jackson or Mr. Goldberg will be required to serve as unofficial "brokers" to bring the factions together for a settlement acceptable to all.

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ARCTIC LEASES MAY FUEL DEVELOPMENT OF ALASKA BEYOND FRONTIER ECONOMY

ANCHORAGE, ALASKA.—"Alaska will never be the same again," Gov. Keith Miller, a Republican, told 600 of the world's major oil tycoons after their bids for Arctic oil leases added $900 million to the state's coffers.

In the one hour of sealed bidding Wednesday, the state collected $100 million more than it had spent in the 10 years since it entered the Union.

The oil boom of record proportions may lift Alaska from a frontier economy. Among the problems which need to be solved:

Though Alaska is more than twice as big as any other state, it has only 4,000 miles of paved roads. Travel is expensive and difficult and many Alaskans never leave their native villages.

Many of its native children—Indians, Eskimos, and Aleuts—still are flown thousands of miles to the "lower 48" states to attend Bureau of Indian Affairs schools because schools in their own villages would be too costly and few teachers are available.

State taxes are extremely high, but the standard of living in many areas is very low. Southeast Alaska must bring milk by boat from Seattle because there is no land for livestock. The federal government owns 97 percent of Alaska's land.

High prices and a grievous housing shortage tend to inhibit population expansion, and only 280,000 people live in Alaska. Of those, 120,000 live in Anchorage.

Governor Miller cautions:

"There should be no mistaken impressions that all of Alaska's financial difficulties will disappear. We can't spend money just because we have it. The funds must first be appropriated by the Legislature."

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ALASKA'S OIL: A NATION'S DILEMMA—ALASKAN OIL ACTIVITY POSES ENVIRONMENTAL QUESTIONS FOR NIXON

(By Robert Cahn)

WASHINGTON.—As if President Nixon didn't have enough problems these days, another one is about to be dropped on his desk.

And it's his own fault this time. Mr. Nixon asked to be cut in on this one last May when he requested an intergovernmental task force be set up to look into the problem of how the oil resources of the Alaskan Arctic could be developed without major disturbance to the environment. He said he wanted a preliminary report by Sept. 15. The report is not expected to be released to the public, however.

The immediate decision—on whether to lift an Alaskan land "freeze" and thus pave the way for an 800-mile-long, 48-inch diameter pipeline to get oil from the Arctic Slope to the ice free Port of Valdez—is not directly up to the President.

This decision will be made by Secretary of the Interior Walter J. Hickel. But the ultimate responsibility for future problems arising from lifting the freeze and for granting a right-of-way permit to construct the pipeline does lie with the President.

ENVIRONMENTAL ISSUES

These decisions deeply involve questions of conservation and the environment. So far, the administration's record in this area has been good, although it has been built on reactions to events set in motion under a previous administration. The Arctic oil problem presents a major environmental issue requiring a Nixon administration go-ahead which could later become a political liability.

The decisionmaking divides into two phases. The first involves ordering an exception to an administrative freeze which forbids changes in ownership or use of all federally held public land in Alaska until disputed native land claims are settled.

This freeze status imposed by former Interior Secretary Stewart L. Udall can be lifted, or exceptions to it made, by Secretary Hickel. Mr. Hickel has agreed to take up all such exceptions with the Interior committees of the Senate and the House of Representatives before making his actions final.

LAND "THAW" DEMANDED

A consortium of three oil companies comprising the Trans Alaska Pipeline System (TAPS) is demanding immediate action to lift the land freeze. TAPS also seeks a right-of-way construction permit to be issued as soon as it completes its required mapping surveys, expected within a month. It has already started building an $11 million access road, and the first section of pipe are due for delivery this month.

The oil companies are prepared to invest about $1 billion in the pipeline, which will be a common carrier to tap the Arctic Slope oil strike. Unless they can get the permit soon, say TAPS officials, they will be unable to supply oil to the West Coast of the United States by 1972, when a consumer shortage is supposed to occur.

The policy position already stated by Secretary Hickel, and accepted by most of the members of the intergovernmental task force led by Interior Undersecretary Russell E. Train, is that the development of Arctic oil and preservation of the quality of the Arctic environment are not necessarily incompatible.

RECOMMENDATION NOT EXPECTED

The preliminary task force report going to President Nixon, however, will not make recommendations or conclusions. It will be a detailed review of the entire situation with a summary of the environmental, social, and legal problems involved.

The report will point out that there are still a number of unknowns, especially concerning damage to the fragile tundra and potential erosion effects inherent in placing a hot pipeline in permanently frozen ground. A project of this magnitude has never been attempted in the Arctic.

PROCEDURES DRAFTED

No one knows, for instance, how great a problem earthquakes would be. The report will say that the proposed pipeline crosses seven major faults. Or what would happen if a mechanical failure, an earthquake, or some other cause produced a long breakdown or major pipeline break that would shut down the system for several days during —50 degree weather? At that tempera-

ture, the motionless oil would turn into plastic within three days.

Despite these unknowns, the task force has assembled a very stringent set of road and pipeline construction procedures (or "stipulatings" as they are called) which fill two inch-thick volumes. Task force officials feel that as long as the TAPS engineers agree to follow these proposed construction stipulations, there is no apparent legitimate reason to disapprove the pipeline application.

The oil companies have not yet agreed to accept all the proposed stipulations with the hundreds of specifications telling them how to operate.

The stipulations also provided that TAPS furnish in advance certain detailed information about how it will proceed with its work. And the stipulations say that the "authorized officer" (who will be the federal Bureau of Land Management field director or his representative) can shut down the construction at any time if he feels the stipulations are not being followed.

STANDARDS URGED

TAPS spokesmen say that in place of many of the specifications, the Interior Department should lay down general performance standards.

"Let them tell us the results they want as far as protecting the environment and building the pipeline safely, and leave us with the responsibility of deciding the means by which it should be done," says a TAPS official.

High Interior officials seem reluctant to accept the performance standards formula, and are still demanding agreement by TAPS to specific stipulations, along with strict Bureau of Land Management inspection for all phases of the construction.

The State of Alaska strongly backs the TAPS position and is concerned that the federal government will delay the Arctic oil development. Having scraped along as a poor "cousin" with little income since statehood, Alaska is eager to convert the buried treasure into a rich source of revenue. The North Slope oil field may be the largest ever discovered on the continent, possibly exceeding 20 billion barrels.

GOVERNOR ADDS VOICE

State officials charge that the federal government is trying to install a new colonialism under the guise of protecting the environment. Gov. Keith H. Miller says the state is perfectly able to supervise construction of the pipeline and protect the land and the wildlife, and can do the needed planning for the future of the Alaskan Arctic.

Many conservationists in Alaska and in the "Lower 48" are seeking a delay in granting the pipeline application. Several conservation group leaders are encouraging their members to write President Nixon urging him to appoint a "blue-ribbon" citizens committee on Alaskan development, which would consider the larger national interest involved in the pipeline decisions.

The conservation viewpoint is that not enough is yet known about potential damage to the environment for a pipeline decision to be made in a hurry. They also seek concrete evidence of federal and state planning to preserve the wildlife and potential wilderness or national park areas in the Arctic before industrial and commercial development makes too many inroads.

WHOLE PICTURE SOUGHT

The conservationists ask: Why the sudden rush to follow a schedule dictated by one British and two American oil companies? Let's take the time now to look at the whole picture, they say, before it is too late, and avoid repeating the environmental mistakes the nation made a century ago in the process of opening the West.

President Nixon has other task forces looking into the whole long-range picture of oil production and import quotas. It is probable that he will want to know: How urgent is the demand for oil to be delivered to the West Coast by 1972? How does this fit into the entire national and international oil situation with its important economic and political considerations?

And what about the possibility of other methods for transporting oil to market? The tanker Manhattan already is exploring the possibility of using the Northwest Passage to take the Arctic Slope oil to the east coast of the United States. Maybe new icebreaking tankers also could go through the Bering Sea to the West Coast? Maybe nuclear submarine tankers could be developed?

PRESIDENT MAY ORDER WAIT

It is considered probable that the White House will not object to a Hickel recommendation that the land freeze be lifted provided Congress is statisfied that native claims are not being endangered.

Mr. Nixon, however, may tell Mr. Hickel to wait a while before issuing the pipeline right-of-way permit, at least long enough so that policy studies of the national interest can be made. He might even want to have the new Cabinet-level Environmental Quality Council consider the long-term policy for Arctic development.

But with the huge investment already made in Arctic oil development, and with what may be the nation's richest oil strike waiting to be tapped and sped on to market, few observers believe that the pressures for development can be withstood for very long.

Conservationists are hoping, however, that for once development will be carried out with proper concern for the environment and that the natural heritage of future generations will not be endangered for a temporary gain during the 20 years it will take to drain this oil pool.

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[From the Christian Science Monitor, Oct. 7, 1969]

ALASKAN OIL-LINE PLAN DRAWS RISING CONSERVATION DRUMFIRE

(By Robert Cahn)

WASHINGTON.—As the time for a decision on the 800-mile oil pipeline across Alaska nears, the voices of concern from conservation groups grow louder.

Conservation leaders are not dogmatically opposing the 48-inch pipeline that a consortium of oil companies proposes to construct across Alaska from Prudhoe Bay oil fields to Valdez. But they are requesting that the go-ahead be held up until the potential environmental effects can be more adequately considered by the government and the public.

A federal intergovernmental task force led by Undersecretary of the Interior Russell E. Train has issued its regulations for environmental protection in bulding the pipeline, and the Trans Alaska Pipeline System (TAPS) has agreed to abide by the 34 pages of "stipulations."

Interior Secretary Walter J. Hickel has given his approval of the stipulations and has formally notified the Senate and House Interior Committees of his intention to lift the land freeze on public lands along the pipeline route and to grant construction rights of way to TAPS.

OWNERSHIP FROZEN

The land freeze which prevents changes in use or ownership of public lands in Alaska was imposed by former Interior Secretary Stewart L. Udall to protect the claims of native inhabitants of Alaska. Mr. Hickel had promised the Senate Interior Committee in his confirmation hearings last January that he would submit to them any proposed exceptions to the freeze.

Mr. Hickel has sent the House and Senate Interior Committees a proposed public land order which would permit granting of rights of way to TAPS to construct the pipeline. The proposal states that "upon receiving a reply that you do not disapprove of this action, we will proceed to implement the attached land order."

The Secretary of Interior had previously said he would not grant the permits until he was satisfied that safeguards to the environment would be adequate and that rights of the native peoples would not be threatened.

The House Interior Committee, which had announced it would hold no meetings in October, reversed itself last Tuesday when it received word from Mr. Hickel that he was ready to lift the land freeze and issue the construction grant.

A special meeting of the committee is scheduled for Oct. 8, two days before members leave for Alaska to hold hearings on the native claims problems. A committee source said the committee planned to take action on the Hickel request before leaving for Alaska.

The Senate Interior Committee, however, is not in any rush to act on the request. Sen. Henry M. Jackson (D) of Washington, its chairman, says he is far from satisfied with the situation and will hold hearings prior to committee action. Scientists, conservation leaders, and Alaskan native leaders are expected to testify on the impact of the proposed pipeline.

NIXON ORDERED STUDY

"The pipeline raises very serious questions concerning safety, the need for statewide land use, the future development of the north slope of Alaska, and the impact oil development will have on the native people of Alaska and the land-claim legislation pending before Congress," Senator Jackson said.

It is possible that the White House may want to bring the matter before the Cabinet-level Environmental Quality Council before the permit has been issued. A study of the problem ordered by President Nixon was delivered to the White House Sept. 15.

The stipulations worked out by the Train task force are the most stringent set of regulations ever imposed by the government to protect the environment. After extensive discussions with representatives of the oil companies, Mr. Train stuck fast to his demands for point-by-point requirements rather than the general "performance standards" the oil companies desired.

TAPS wanted the Interior Department to set down its standards and leave to the oil companies the responsibility of deciding how the pipeline would be built to meet these standards.

Mr. Train also held the demands that the authorizing officer of the department (the head of the Bureau of Land Management in Alaska) be given the authority to suspend or terminate construction of the pipeline at any time the office believes provisions of the construction permit are being violated.

The stipulations, however, are still vague about one key point that concerns conservation groups—the possibility that a "hot" pipeline buried in the permanently frozen ground will cause widespread erosion. The regulations say that "construction methods shall be designed to prevent degradation of the permafrost in areas where such degradation would result in detrimental erosion or subsidence."

Interior Department officials admit that a joint committee of oil company and U.S. Geological Survey experts is still studying the permafrost situation. Also, TAPS has not furnished the Interior Department with a profile of the pipeline route, indicating exactly where the pipeline would be buried and where it would be above ground. It is not known whether or not TAPS will follow the original proposal that only 50 miles of the pipeline would be above ground.

The erosion effects could also be a factor in pipeline safety, which troubles many

conservationists. Large-scale shifting of the pipe due to erosion could cause a break in the pipe which carries 500,000 gallons of oil per mile.

WILDERNESS THREAT SEEN

Stewart M. Brandborg, executive director of the Wilderness Society, says members of his group across the United States are aroused over the potential threat oil development poses to the nation's last great wilderness area.

"Even though the stipulations may be as good as might be expected after hurried preparations. I think it is a tragedy to lift the land freeze before the nation has had the opportunity to receive the results of intensive studies from scientists," Mr. Brandborg said. "We are going ahead to open the way for construction of the pipeline before we have had an adequate assessment of the facts. We don't know the effect on the Alaskan environment, its animals, its magnificent streams, and other answers to questions that have been raised by Alaskans and people throughout the country."

Other conservationists are questioning the need for such a rush in pushing the pipeline permit through. TAPS officials say they must get the permit immediately to let contracts so that construction can start next spring.

Michael McCloskey, staff director of the Sierra Club, is critical of the hasty action being taken by Mr. Hickel.

"No report has been issued by the interdepartmental task force which President Nixon set up to study the environmental impact of the pipeline proposal," Mr. McCloskey said.

"All we have is a set of stipulations. This pipeline will have a permanent effect on the entire ecology of Alaska. The possibilities for mistakes in engineering and construction are tremendous. Full public scrutiny of the proposals must precede any action."

The State of Alaska, which controls the Prudhoe Bay area and other sections along the pipeline route, was represented on the Interior Department task force but has not yet adopted any regulations to protect its areas.

In a related development, the Interior Department is preparing an order by the secretary aimed at preventing exploration for oil during thaw periods when the Arctic tundra can be damaged by vehicles. The department is also planning environmental protection regulations that could be applied to all oil exploration, drilling, and construction activity in Alaska's federal lands.

## THE PROPOSAL TO MINT AN EISENHOWER SILVER DOLLAR

Mr. DOMINICK. Mr. President, the Senate will soon be considering my proposal to mint a 40-percent silver dollar coin, bearing the image of our late President Dwight David Eisenhower. I have previously introduced S. 2582 to mint 100 million Eisenhower silver dollars a year for 3 years. S. 2822 was then introduced which provided for the minting of a clad cupro-nickel coin containing 75 percent copper and 25 percent nickel. No hearings were scheduled or held on either of these proposals. On October 7, 1969, Senate Joint Resolution 158 was introduced. It provides for the minting of the cupro-nickel dollar coin bearing the image of our late President Dwight David Eisenhower. No hearings were held on this proposal, and it was reported by the Committee on Banking and Currency on the following day, October 8. I, therefore, proposed amendment No. 228, which is, in effect, a substitute for Senate Joint Resolution 158.

This substitute was cosponsored by the following 20 Senators, all of whom cosponsored S. 2582: Mr. MANSFIELD, Mr. ALLOTT, Mr. BIBLE, Mr. CANNON, Mr. CHURCH, Mr. CURTIS, Mr. DOLE, Mr. FANNIN, Mr. GOLDWATER, Mr. HANSEN, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. JACKSON, Mr. MAGNUSON, Mr. METCALF, Mr. MUNDT, Mr. MURPHY, Mr. STEVENS, Mr. THURMOND, and Mr. TOWERS.

I ask unanimous consent that my proposed substitute be printed in full at this point in the RECORD.

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

AMENDMENT NO. 228

Strike out all after the resolving clause and insert the following:

"That (a) section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended—

"(1) by inserting 'one-dollar pieces,' after 'pursuant to this section' in subsection (a);

"(2) by redesignating paragraphs (1), (2), and (3) in subsection (a) as paragraphs (2), (3), and (4), respectively, and by inserting before redesignated paragraph (2) a new paragraph as follows:

"'(1) the dollar shall have—

"'(A) a diameter of 1.500 inches;

"'(B) a cladding of an alloy of eight hundred parts of silver and two hundred parts copper; and

"'(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper; and

"(3) by inserting at the end of such section the following new subsections:

"'(d) The dollars initially minted under the authority of subsection (a) shall bear the likeness of the late President of the United States, Dwight David Eisenhower.

"'(e) Commencing on January 1, 1970, and until such time as the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted, or December 31, 1972, whichever is earlier, the Secretary shall cause to be minted and issued dollars authorized by subsection (a) at a rate of not less than one hundred million coins annually.'

"(b) Effective on January 1, 1973, or on such earlier date as the President shall by proclamation declare that the supply of silver available to the Treasury for coinage purposes is exhausted, section 101 of the Coinage Act of 1965 is amended to read as follows:

"'SEC. 101. The Secretary may coin and issue one-dollar pieces, half dollars or 50-cent pieces, quarter dollars or 25-cent pieces, and dimes or 10-cent pieces in such quantities as he may determine to be necessary to meet national needs. Any coin minted under authority of this section shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which meets the following additional specifications:

"'(1) The dollar shall have—

"'(A) a diameter of 1.500 inches;

"'(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"'(C) a core of copper such that the whole coin weighs 22.68 grams.

"'(2) The half dollar shall have—

"'(A) a diameter of 1.205 inches;

"'(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"'(C) a core of copper such that the whole coin weighs 11.34 grams.

"'(3) The quarter dollar shall have—

"'(A) a diameter of 0.955 inch;

"'(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"'(C) a core of copper such that the weight of the whole coin is 5.67 grams.

"'(4) The dime shall have—

"'(A) a diameter of 0.705 inch;

"'(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"'(C) a core of copper such that the weight of the whole coin is 2.268 grams.'

"Amend the title to read as follows: 'A joint resolution to authorize the minting of clad silver dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.'"

Mr. DOMINICK. Mr. President, the proposed substitute provides for the initial minting of 100 million 40-percent silver dollars annually for 3 years, commencing January 1, 1970, or until "the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted. Thereafter, the Eisenhower dollar may be minted from 75-percent copper and 25-percent nickel alloy. This substitute combines S. 2582 and Senate Joint Resolution 158.

Mr. President, I am concerned that this country will soon have no prestige coin with any intrinsic value. I am concerned that we might choose to honor a great American with a clad coin that will not only be unattractive but have no real value. In my opinion, we would do a tremendous disservice to the memory of this man by taking such action.

As Senators are aware, we are at present selling our remaining supply of silver at the rate of 1½ million ounces per week through GSA. We have sufficient silver remaining to mint up to 300 million Eisenhower silver dollars. When that silver is exhausted, a cupro-nickel coin could be minted, should the Department of the Treasury so desire, and a need in commerce is shown. We could make no better use of our silver which remains than to mint the Eisenhower silver dollar.

Mr. President, I point out that the last two sales brought a price of over $1.80 per ounce. If a 40-percent silver dollar coin were minted and issued over the counter of the Federal Reserve banks, it would yield $3.16 per ounce for our silver. This would mean a net increase to the Treasury and the taxpayers, to which this silver belongs, of over $120 million. This silver is going to be sold. The only question is whether we get $1.80 an ounce for it on the open market or $3.16 an ounce by minting the Eisenhower dollar. The American people own this silver and we should see that they get the highest possible return from the sale or use of their property.

I would further point out that under the GSA sales program conducted from May 27, 1969, through September 30, 1969, approximately one-half of all the silver sold went to brokers and speculators who in turn shipped and sold it overseas at a considerable profit. In the last 9 weeks of sales, from August 5 through September 30, 1969, a total of 13,713,000 ounces of silver was sold. Of this, only 5,100,000 ounces was sold for industrial use and 8,613,000 ounces was sold to brokers and speculators. Of this last amount, it appears 7,965,000 ounces

has found its way overseas. It is clear that this silver is not being purchased to fill any gap in industrial use of our domestic production of silver. It is going to speculators and brokers.

Mr. President, in this country we consume approximately 100 million ounces more silver a year than we produce from our mines. These sales from the Treasury are supposed to fill this gap to prevent importation of foreign silver, which would cause a deficit in our balance of payments on this commodity. But this country is now and has been for the past few years a net exporter of silver. In 1968 we exported a net of 55 million ounces of silver. This includes refined bullion or base bullion and coins. The current silver sales are clearly increasing our net exports at an alarming rate.

Mr. President, the Treasury does not even know how much silver it has left for sales or coinage. Even the highest estimates show clearly that at the current rate of sales all our silver will be gone within 1 year. Over half of this silver that will be sold will be shipped out of this country. A year from now, we will have to repurchase all of this silver at two to three times the current price. This tremendous price increase will compound our balance-of-payments deficit two to three times. We do not have to suffer this loss. Simple arithmetic shows clearly we are going the wrong direction by continuing our silver sales. It has been charged that this silver coin will not circulate, and our experience with the Kennedy half-dollar would bear this out. This coin may not circulate freely. It will be, however, a treasured keepsake and memorial for many older citizens and children of the country who hold the memory of Dwight David Eisenhower in high esteem. This is no reason for failing to mint the coins, but is, in fact, an even greater argument in its favor.

A similar practice is used by the Post Office, which derives substantial revenue from the sale of numerous issues of commemorative stamps which are purchased by citizens. The Post Office makes a profit because it sells the stamps but is not compelled to perform a service in delivering mail.

Likewise, if the Treasury mints an Eisenhower silver dollar, which fails to circulate, it is in effect, collecting a voluntary tax from the citizens who hold these coins. These people are denying themselves the use of goods or services which the coins could otherwise command.

Mr. President, I wish to quote from the Treasury Task Force report submitted to the Joint Commission on the Coinage on May 12, 1969, which recommended minting a dollar coin:

> The chief argument against minting a clad cupro-nickel dollar coin is that for a number of decades there has been no commercial need for such a coin in major commercial areas outside the West. Moreover, the banks generally feel that they can operate satisfactorily with more half-dollar coins rather than a new dollar coin.
>
> Although the need for a dollar coin at this time is obviously not crucial, the steady expansion of the vending machine industry would indicate a potentially significant demand in the not too distant future. But whether or not there is an immediate commercial use for the coin, the almost certain strong public demand for the coin as a collector's item should make a very useful contribution to the Government's financing needs.

The Treasury concedes that the almost certain demand for the coin as a collector's item will add significantly to the Government's financing needs. There is not a drastic need for this coin in circulation in the immediate future. By the time that need arises, the Treasury, under my proposal will be authorized to mint a cupro-nickel dollar which should circulate freely. It will not compete as a commemorative coin because of the minting of the silver dollar.

Mr. President, every condition is right at this time for taking the action I propose. We will get over $120 million in additional revenues. We will honor a great man. We will not compound our approaching balance of payments deficit in this commodity and we will have the necessary circulation of coins when the need arises.

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## INTERNATIONAL DISARMAMENT AGREEMENTS

Mr. RIBICOFF. Mr. President, in view of the continuing concern over U.S. policy toward certain international disarmament agreements, I ask unanimous consent that a recent speech by Mr. William Foster be printed in the RECORD.

Mr. Foster, who served for 8 years as head of the U.S. Arms Control and Disarmament Agency, makes some critical recommendations. He urges that the United States ratify the Geneva Protocol, support the British draft treaty banning chemical and biological warfare agents, and move ahead in banning underground nuclear testing.

I support these recommendations. In a speech to the Senate on August 7, I expressed my concern that the United States had not, after 45 years, yet ratified the Geneva protocol prohibiting chemical and biological warfare.

At that time, Congress was involved in the passage of eight amendments imposing strict limitations on the production, stockpiling, and delivery, of chemical and biological warfare agents. The unanimous adoption of these amendments by the Senate should have established a sense of Congress to the administration.

But still the administration has not moved to ratify the protocol, nor has it voiced either its support or opposition to the British treaty banning biological warfare agents. Instead, the administration responded to the recommendations of many Congressmen and public leaders by making another "review."

In March, President Nixon directed the U.S. delegation to the 18-Nation Disarmament Conference in Geneva to "explore any proposal to prevent the use of and eliminate stockpiles of chemical and biological weapons."

In June, President Nixon directed the executive branch of the Government "to undertake a comprehensive review of all aspects of chemical and biological warfare."

We are still waiting for this review to be concluded. We are told that it will be finished in several weeks.

I urge the administration to act quickly in this area of concern to all mankind.

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

UNFINISHED BUSINESS

(By Hon. William C. Foster, Former Director, U.S. Arms Control and Disarmament Agency, October 9, 1969)

First of all, I would like to express congratulations to our host on this tenth anniversary of his excellent initiative: the Strategy for Peace Conference. Mr. Stanley, I am sure that I speak for all of us in saying that we are most indebted to you for pursuing this manifestly worthwhile endeavor, which is a real stimulus to thought and imagination in important sectors of public life. And with our congratulations, please accept also our best wishes for continuing success.

Let me say also how pleased I am to participate in this program with Senator Pell, whom I have been privileged to know for a long time. He is a real authority on arms control, and he is a gentleman whose friendship I have always valued greatly, both professionally and personally.

Working in the arms control field, one is apt to acquire what the French call a *"déformation professonnelle,"* which in this instance takes the form of always looking forward the future—often in rather optimistic terms. The reason for this is quite simple: everything we have been able to achieve in arms control had previously been regarded with considerable skepticism, but somehow it managed to get done anyway. I don't mean to suggest that we have accomplished miracles in arms control—those lie ahead—but I do believe that progress has been made in a number of ways.

When the Arms Control and Disarmament Agency—or "ACDA" as we call it—got started, in 1961, there were many skeptics and many grave doubts, not only about Soviet policies and intentions but about arms controllers' intentions. And I confess that one of my own principal concerns, especially during those early years, was that ACDA should gain "respectability," first of all within the U.S. Government itself. In this connection I was rather pleased to note last year that we had been paid a compliment by none other than General Curtis Le May. It was a somewhat back-handed compliment, but after all you can't have everything in this life. In his book "America is in Danger" the General and then vice-presidential candidate recalled that when ACDA was established, there were some who feared it might become "a haven for reds and crackpots." And General Le May added: "Fortunately, I do not think this has happened." Well, as they say, one should be thankful for small blessings.

Anyway, I think it is apparent that ACDA has gained not only respectability but even a modest degree of renown. Nowadays it is common to find the name of ACDA in newspaper articles and editorials—sometimes even in abbreviated form—with no apparent need being felt to explain what it is.

During these years an educational process on our working with the Soviets evolved, so that finally, with Administration and Congressional support, we and the Soviets together led most of the rest of the world to certain agreements such as the Limited Test Ban, the non-armament of Outer Space, the nuclear Non-Proliferation Treaty, and perhaps soon, a treaty to keep the nuclear arms race off the seabed. Most important of all, of course, we led the Soviets from a position of outright refusal to discuss a 1964 U.S. proposal for a freeze on further expansion of strategic nuclear delivery vehicles, to where

the Soviet government now seems intrinsically as much interested as we are in discussing limitations on strategic arms. I say "intrinsically". As we all know it is the Soviets who, most recently, have been delaying the start of these talks. But, if as a private citizen I may indulge in a little private speculation, I think the reason for their delay is not related to strategic weaponry but rather to their border problems with the Chinese. When they are hoping for productive discussions with the Chinese on this subject but are unsure whether such discussions are possible, I imagine the Soviets must feel that it is psychologically a bad moment to begin such a momentous and visible bilateral discussion with the United States. Anyway, I hope most profoundly that whatever the cause of delay may be it will soon be removed. It hardly seems necessary to say that every day which has gone by has made this problem a little more difficult to resolve; and I certainly wish my successor, Gerard Smith, all possible success in this historic but infinitely complex undertaking.

One of the most encouraging aspects of arms control agreements, of course, is the fact that even a small agreement makes additional measures easier because each side does thus acquire a certain additional measure of confidence that the undertakings will be lived up to. And the arms control agreements have been lived up to. This is not really surprising, because any agreement reached must necessarily have been in the basic interest of the parties. We cannot dictate agreements to the Soviets nor they to us.

Now, for most governments, arms control agreements are already beginning to form a pattern. I would cite as evidence of this fact that an arms control treaty for the seabed is widely regarded as a logical *sequel* to the Non-Proliferation Treaty, with its pledge to pursue negotiations toward ending the nuclear arms race. By the same token, almost all governments in the world have urged the United States and the Soviet Union to get started with the SALT talks—partly on the grounds that these too are a logical sequel to the Non-Proliferation Treaty and in fact are an obligation imposed by the NPT. Carrying this line of reasoning one step farther, a number of governments have urged us to get on with SALT because they believe that successful results in these bilateral talks will have a profoundly beneficial effect on the multilateral arms control negotiations which are conducted in the disarmament conference at Geneva. They have expressed the belief, for example, that if the United States and the Soviet Union can agree to place limits on certain weapons *systems*, the requirements for nuclear testing can thus at last be circumscribed and it will be possible to negotiate a treaty banning underground tests.

But needless to say, we cannot sit back and wait for the beneficial results of the SALT talks to be felt, for they may be a long time in coming; and there are arms control measures which are badly needed and on which action can and should be taken now.

Under the heading of "unfinished business," I would now like to list five specific issues related to arms control, in which I hope all of us here in this room will take a personal and active interest, bringing to bear as much influence as we can to promote their fulfillment.

*No. 1:* The United States should ratify the Geneva Protocol of 1925, which prohibits the first use in war of chemical and biological weapons. This is the principal international instrument related to chemical and biological warfare. The United States initiated it, and the United States signed it; but our pride of authorship became an embarrassment when the Senate failed to vote on it, in 1926. Indeed until recently our approach to the Protocol was for the most part one of awkward silence.

Now, after 45 years, there seems to be hope that the Protocol will be re-submitted to the Senate for its consent to ratification. Except for Japan, the United States is the only major power which has withheld ratification; and our adherence is needed to strengthen the Protocol and thereby reduce the likelihood that poison gas or germ warfare might be used in a future conflict. Ratification, also, would set a desirable precedent by making us a party to an arms control agreement that includes Mainland China as a party.

Other, more comprehensive measures related to chemical and biological warfare also are needed. But I believe that our ratification of the Geneva Protocol is the next logical step for us to take; and I most sincerely hope that President Nixon will submit it to the Senate.

*No. 2:* In July of this year, at the disarmament conference in Geneva, the United Kingdom presented a draft convention which would ban the production and stockpiling of biological warfare agents, as well as their use even in retaliation. The United States has reserved its position on the substance of this British proposal pending the outcome of the inter-agency review of CBW which has been going on in Washington this summer. I believe that the U.S. should give the British convention its full support. Biological warfare agents, because of the impossibility of predicting or controlling their action, are a danger to all mankind. Our biological warfare program adds nothing to our security. On the contrary, our security would be enhanced if we acted to discourage the proliferation of biological warfare capabilities, which we don't need but which others might seek to develop in the absence of treaty restrictions. The British proposal would enable us to divest ourselves of a useless and pernicious liability. It deserves, and needs, our full support.

*No. 3:* We should move ahead now, without waiting for the results of the SALT talks, on banning underground nuclear tests.

The Limited Test Ban Treaty, negotiated in 1963, does pose restrictions on nuclear test operations, and has been especially effective in alleviating the contamination of our environment with radioactive debris. As an arms control measure, however, it has not made, nor was it expected to make, a serious dent in the strategic arms race. Underground tests in unlimited numbers and sizes are still permitted, and the development and testing of nuclear weapons continues apace.

Agreement on a comprehensive test ban—which would effectively curtail nuclear weapon development—continues to be stymied on the verification problem. The Soviet Union maintains that national capabilities alone are adequate for verification purposes, while the United States insists that national capabilities must be supplemented by a small on-site inspection quota to give the necessary confidence that the treaty was not being violated. The U.S. has provided detailed data to show that below a certain yield level (some ten's of kilotons in rock) current remote detection techniques cannot unambiguously distinguish nuclear explosions from earthquakes. The Soviets, without refuting the U.S. technical data, still maintain that national capabilities are adequate. Here the matter rests, and the interesting and frustrating aspect of this dilemma is that neither side is necessarily wrong. The crux of the problem is how much assurance is adequate, and this is a political rather than a technical decision.

The Soviets' willingness to rely on their national capabilities undoubtedly is based on their greater access to information on activities in an open society like the U.S. and hence on a lesser need to rely on remote sensing techniques. Also weighing heavily in the equation is their inherent concern about the risk involved in permitting foreign inspectors into their country. In addition, they may see little military significance in the relatively small amount of cheating which might escape detection. On the other hand, the U.S., being a nation made up primarily of foreigners in the first place, is less concerned about inspection by outsiders. But we traditionally credit the Soviets with superman capabilities in the fields of deception and secrecy, and base our analyses on the worst possible contingency, however improbable it may be. Particularly in arms control matters, we devote most of our attention to verification provisions and the risk of undetected violations. Now there is nothing wrong *per se* in analyzing the risk of a possible treaty violation; the mistake lies in letting the analysis stop at that point and ignoring the security risk, which could be manyfold greater, of a situation without the arms control agreement. Few worthwhile enterprises are devoid of all risk, and arms control is no exception. What matters is not that there are risks associated with a particular measure, but rather how do these risks compare with the risks of not having the measure. In the case of the CTB, it is hard to believe that the security risk posed by the relatively few tests the Soviets might be able to carry out without being detected by national means would exceed the security risk of unlimited numbers of Soviet weapon tests that are permitted in the absence of a CTB.

Of course, it can be pointed out that without a CTB the U.S. also could continue testing and thereby counterbalance the Soviet tests. But would this really counterbalance the security risk or would it merely add fuel to the nuclear arms race? It is generally recognized now that this action/reaction approach, responding to bigger and deadlier weapon developments with still bigger and even more deadly weapons, provides less rather than more security and at a price that is staggering. Somewhere the spiral must stop, and a CTB would be a major step toward halting the qualitative nuclear arms race. Of course, it would make things much easier if the Soviets would attest to their interest in arms control by accepting a nominal quota of on-site inspections. But I believe that on our side the time has come for a hard look at the necessity for on-site inspections. Now is also the time for a hard and realistic look at the security risk of not having a CTB.

*No. 4:* It has been over a year since the Non-Proliferation Treaty was opened for signature. So far 91 countries have signed the treaty, and 21 have also ratified, but progress in recent months toward worldwide adherence has been slow indeed. I was pleased to note that the President in his United Nations speech on September 18 stressed the hope that the Non-Proliferation Treaty would soon enter into force. Of equal importance to the ultimate success of the Treaty is that countries with advanced industrial and technological capacity that have not already done so become parties to the Treaty at the earliest opportunity. Various factors may have contributed to their delay in acting on the Treaty—election campaigns in Germany, Israel and Australia, for example, or parliamentary considerations in Japan. In the interest of mankind, however, and the universal desire for continued progress in other fields of arms control, the decision dare not be put off indefinitely, but must be faced squarely and urgently. We should do everything we can to make our friends in those countries realize that the Non-Proliferation Treaty will promote the peaceful uses of nuclear energy, and that by enhancing the general security it will enhance their own.

*No. 5:* One element that augurs well for arms control is the increased Congressional interest in the subject.

Witness the extensive bipartisan sponsorship of resolutions calling for a mutual moratorium on the flight testing of re-entry vehicles such as MIRVs. There were over 100 sponsors or co-sponsors of these resolutions in the House, and almost half the Senate has sponsored them. Extensive hearings, particularly by the House Foreign Affairs Subcommittee on National Security Policy, contributed greatly to an increased understanding of the issues involved. These resolutions have yet to come up on the floor.

Witness the imaginative and helpful initiatives for arms control on the seabed, led by the distinguished Senator from Rhode Island who is here tonight.

Witness the depth of the Senate consideration this year of the Military Procurement Authorization Bill. The ABM fight, of course, attracted the most public attention. But the extent of Senate opposition to CBW was startling. Before the bill ever reached the floor, the Senate Armed Services Committee, in what is virtually unprecedented action, eliminated the entire FY 1970 DOD request for CBW research and development. Subsequently, during the floor debate, the McIntyre amendment, containing additional CBW restrictions proposed by several Senators, passed by a unanimous 91–0 roll call vote. Moreover, resolutions calling for resubmission to the Senate of the 1925 Geneva Protocol have extensive sponsorship in both Houses.

I would cite also Congressional awareness of the urgent need to begin the Strategic Arms Limitation Talks with the Soviet Union.

Never, since the Arms Control and Disarmament Agency was established in 1961, have I seen Congressional enthusiasm for arms control as an objective of national security policy at such a high pitch. Indeed, during the early years of the Agency, it was hard to persuade Congress that the pursuit of arms control was in our national interest. The effort was subjected to distorted and unjustified attacks from various segments of the public, leaving the lingering suspicion in the minds of some Members of Congress that our activity was a sellout of our security.

A number of factors have contributed to this change, including the dedicated and informed efforts of people like yourselves. It is extremely important that the enthusiastic pursuit of arms control objectives by the Congress be kept up. We should do everything we can to encourage this Congressional interest.

Having now said my five issues worth, I would just like to thank you again, Mr. Stanley, and ladies and gentlemen, for this opportunity to be with you, and to wish you an enjoyable and productive session, which I know you will have.

## DOUBLE STANDARD MORALITY?

Mr. HANSEN. Mr. President, I wish to place in the RECORD—in pain, dismay, and, I admit, considerable anger—my thoughts about the abominable events of the past weekend in Chicago.

There, the Students for a Democratic Society ran shrieking through a part of the city, throwing rocks, wielding clubs, chains, pipes, and other weapons to destroy property and maim human beings.

I shall mention just one horrible result of their lawlessness, their havoc, their brutality. They clubbed down and left paralyzed the assistant corporation counsel of the city of Chicago, Richard Elrod.

Who are these people who have visited this disgrace upon the American scene? They give themselves the seemingly high-minded label of Students for a Democratic Society. What appalls me more than the vicious acts of the Students for a Democratic Society is the fact that this organization is encouraged and applauded by men of supposedly high intelligence and good judgment.

There is an incredible wave of opinion today in our so-called intellectual circles. It is the philosophy of the New Left. This "new morality" holds that it is moral to leave a city official of Chicago lying paralyzed on the sidewalk, but that it is immoral to take the position that the United States should continue to discharge its responsibilities to the people of South Vietnam. Can there be any logic in that kind of "morality"?

Today I ask those in positions of responsibility in Government and in the news media, along with all other friends of the Students for a Democratic Society, to look into their consciences and determine whether they want to continue to approve and applaud the actions of these young terrorists.

And I say to all who have encouraged or even tolerated these "Red guards" of our society: For God's sake, let us try to show the young people of America that the wave of the future does not lie in using rocks and clubs and chains and pipes for political purposes.

I know that the overwhelming majority of the young people of America abhor the brutality of the Students for a Democratic Society. It is time that we, who are supposed to be leaders, let them know that we, too, stand against such outrageous conduct and that we stand for decency and honor and reason and genuine concern for our country.

## ADM. JOHN HARLLEE

Mr. THURMOND. Mr. President, recently Adm. John Harllee retired as Chairman of the Federal Maritime Commission, ending 37½ years of distinguished Government service.

Admiral Harllee was born in Washington, D.C., on January 2, 1914, to the late Mrs. Ella F. Harllee and the late Brig. Gen. William C. Harllee of the U.S. Marine Corps. He attended Western High School, Washington, D.C., and was graduated from the U.S. Naval Academy in 1934.

Mr. President, during World War II, Admiral Harllee served as a commanding officer in the Southwest Pacific. The Silver Star and the Legion of Merit were among the awards he received for his outstanding service to his country.

After the war, he served with the Navy's congressional liaison unit and was commander of the U.S.S. *Dyess*. He attended the Naval War College and was graduated with the grade of excellent from the senior course.

Admiral Harllee again served his country during the Korean war. Among his official duties were executive officer of the cruiser *Manchester*, commander of Destroyer Division 152 which included a month's tour as commander of the surface ships on the Formosa patrol, chief of staff of Destroyer Flotilla 3, and commander of the attack cargo ship U.S.S. *Rankin*.

Mr. President, in 1959, Admiral Harllee voluntarily retired from the Navy to become involved in the Ampex Corp., a private industry in Redwood City, Calif. Admiral Harllee then became vice president of E. I. Farley & Co., in New York City. He resigned this position in 1961 to accept an appointment by President John F. Kennedy to the Federal Maritime Commission. He was named Chairman in August 1963. In July 1965, he was renamed Chairman and was sworn in by President Lyndon B. Johnson for his second term, which was the first 5-year term granted by the Commission.

Among Admiral Harllee's awards for achievement are the Man of the Year Award, the Golden Quill Award, the Order of Maritime Merit, and the Honorary Port Pilot Award.

Admiral Harllee is married to the former Jo-Beth Carden and they have one son, John Harllee, Jr. His family is one of South Carolina's most prominent, and it is a great privilege for me to pay tribute to him today.

Mr. President, Admiral Harllee has proven himself a great leader and a dedicated patriot. He is a man whom we should all be proud to call an American.

## THE WHITE REACTION

Mr. BYRD of West Virginia. Mr. President, growing racial tensions are evident in every part of our country. And, as the Evening Star of Washington noted in an article on Thursday, October 9, they are just as evident here in the Nation's Capital.

The article—the fourth in a five-part series entitled "The White Reaction"—was written by Mr. Woody West. It states that, with 70 percent of the population black, many of the whites in the District of Columbia "live in small enclaves, like the ethnic minorities of another era."

According to the article, there are many whites "who no longer talk of grand goals of integration." Instead, they worry about the increasing crime rate and the inadequate education provided by their public schools. The author states:

> The magnitude of those problems cannot be overstated. Each relates specifically to race.

This article, like the three that preceded it, is of paramount significance. It tells of problems that cry out for solutions.

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:

[From the Washington Evening Star, Oct. 9, 1969]

THE WHITE REACTION

(By Woody West)

In the Nation's Capital, where whites are the minority for the first time in a major American city and where the slightest racial friction reinforces fears in cities across the country, white attitudes today are complex, contradictory and intensely emotional.

There are whites in Washington who remain convinced race relations are becoming more honest, and therefore better.

There are white militants who identify with the black revolutionaries. "We burned, we were mad," said one white woman while recalling the April 1968 riots.

There are whites who continue to hold tenaciously to the principles of the past when integration and the civil rights movement made whites and blacks intimate allies. "I will not yield from integration as a goal," says Joseph L. Rauh Jr., the vice chairman of Americans for Democratic Action and long active in liberal causes. "I believe in integration as a religion. I'm not open-minded about it; it's my religion."

There are whites who live in small, tense enclaves, like the ethnic minorities of another era.

There are whites who no longer talk of grand goals of integration or civil rights objectives. Now they talk of crime and growing racial polarization.

There are whites who have given up and fled, carrying with them feelings of anger or sorrow at a city in which they no longer wish to live.

Yet there also are white couples, mainly young, who are moving into Washington. They reject the premises and the pessimism of their elders. They are confident about the future.

If these diverse groups make neat generalizations impossible, one thing is clear about whites in Washington today. They live in a city where racial questions are more immediate, more personal and more subtly complicated than anywhere else in America. And, like many whites across the country, they are asking new, highly subjective questions about their roles.

Perhaps the strongest impression after interviewing whites in all sections of Washington is a sense of the overwhelming problems in the city. Two are paramount—crime and the public schools. The magnitude of those problems, and the fear, concern and doubts they generate, cannot be overstated. Each relates specifically to race.

For middle-class whites—and for many middle-class blacks as well—schools are the key issue.

Despite significant increases in congressional support of public schools during the last five years, the payoff in terms of better quality is not apparent. Citywide reading scores continue to decline below national averages, although some individual schools maintain a superior level. Dropout rates are among the highest in the nation.

And, like schools around the nation, Washington's are afflicted with the larger problems of the society: unrest, tension, turmoil and crime. Many white parents and their children must cope with problems that grow out of association with blacks from impoverished neighborhoods and different cultural backgrounds.

Schools thus present a critical challenge along racial lines. Added to this are the genuine fears that exist among whites because of the increasing crime rate in Washington. It doesn't matter that the majority of victims are black; to a majority of whites in Washington, as in other cities, crime and the Negro appear synonymous.

Because of these problems and the preoccupation with black militancy, many whites face the future with an air of resignation, resentment or rejection. They find themselves in a difficult dilemma. They want to stay in Washington, they dislike suburban living, they believe in racial equality, but they feel engulfed in problems that defy immediate solutions—and problems that directly affect their families.

Listen, for instance, to one white professional man. He's living in the new Southwest section where the Negro slums were razed to make way for the townhouses and apartment buildings. Seven years ago, he was one of the first to move there. Now he and his family are leaving.

"I see no future for whites in the District of Columbia," he said. "I feel they're going to tax me to death. They're not going to raise assessments in ghettos because the landlords will just raise the rents.

"To me, it's the whole tone. Take the attitude toward our black mayor. White liberals say he's a 'Tom,' but I think he's a competent administrator and politician. To have the mayor deprecated is a very serious matter. The District will be a supplicant for a long time and spitting in the eye of white businessmen and Congress doesn't help.

"Whites feel the police aren't going to protect them. The police aren't going to trifle with blacks because they are afraid of touching off a riot."

Then he touched on an especially sore point for himself and others like him.

"For 20 years, most of the whites who don't want to live with Negroes have been moving out," he said. "The majority of those remaining are well disposed toward blacks.

Now all they see are blacks wanting to get back at them. But they are getting back at the wrong whites who didn't move to the suburbs—and we resent that.

"I'm really sick and tired of living in Washington. I'm tired of the tension, the constant discussion, the din in the papers. Everything is tinged from the standpoint of race. I'm tired of that. I really want out. You're just too much in the thick of it here in Washington."

Others express similar thoughts, even if they have no plans to leave the city. Their withdrawal takes another form.

On Capitol Hill, a white woman who had been active in Democratic ward politics said, "I don't do anything in politics any more because I don't have any credibility." She explained:

"If Bruce Terris (the Democratic party city chairman) says to lick 14 envelopes and I do it, I get a call from some militant who says, 'What are you looking for, a confrontation?' They just don't want us.

"I get tired of facing the tensions. It's easier to opt out, finish furniture, take care of the kids, instead of trying to prove my credibility all the time.

"These days I'm more discouraged. Somehow, before the riots there was still a certain amount of hope. I thought the riots would cleanse everything, but it's made the middle-of-the-road person sort of sit back."

Or even retreat, she might have said. That's what has happened to some whites who have seen their communities drawing farther apart along racial lines.

The Torosians, Tom and Peggy, were talking about that kind of development in their section of Capitol Hill. He's a Presbyterian minister who helped develop the Capitol Hill Group Ministry, a co-operative effort of 10 predominantly white churches working for better relations with the largely black community.

"A lot has happened in the neighborhood since the riots," Mr. Torosian said. "Before, we had integrated community groups. Now when we have an integrated attendance at a meeting, there's very little communication. There are really two communities here, living side by side. A lot of whites are very afraid. They figure that last time they (the rioters) hit commercial areas and they think next time they will hit their houses. Everybody's got dogs."

Her husband had another thought.

"The polarization is not all negative," he said. "There is a feeling of dignity on the part of the blacks, a greater willingness to speak up as equals. Whites feel inadequate and terribly guilty these days. They can't lead, they don't know how to help. The blacks say, 'Well, give us your money,' and this just intensifies the whites' guilt."

Then Mrs. Torosian said: "There is really very little communication between low-income blacks and middle-class whites. The only thing we do now is shop together at the same Safeway. Three years ago, when we first came here, we had great parties thrown by the Emergency Recreation Committee (a group that played a key role in pointing up the inadequacies of the city's Recreation Department). Last summer, we went to a party at St. Mark's, I think it was for the community laundry project. There were black tables and white tables and very little mixing even on the dance floor."

Confronted with these kinds of neighborhood situations and other community problems, some whites have left. Yet even among those, there is an ambivalence. Looking back on their decision, they often express regret and a feeling that, no matter how bad the present, they should have stayed.

"I personally feel very badly about leaving because it's important for me to live what I preach—and I'm not doing it now," said one man who had left Washington two years ago for the Maryland suburbs.

He had been in the midst of a struggle to maintain a certain kind of city, a city of integration, and he had lost. More militant whites tend to look disparagingly on such people. They regard them as classic fair-weather friends, "phony liberals" who espouse noble principles but do not live them.

Yet whatever the personal reaction, or rhetoric, many whites in Washington have gone through agonizing decisions over whether to stay or leave, to keep a child in a virtually all-black public school or send him to a private one, to continue working actively in neighborhood groups or stay on the sidelines.

Probably nowhere in the city are these strains more easily identifiable than in the quiet, pleasant section of the upper Northwest, along 16th St. For more than a decade, that area has been the center for a group called Neighbors Inc. It was created by whites living there with two basic goals: to stop the flow of whites to the suburbs that began with the 1954 school desegregation decision and to demonstrate that integration was workable and desirable.

Neighbors Inc., which has attracted national publicity over the years, has had mixed success. The area remains highly desirable, but the degree of integration is lessening. All the schools now have black majorities, some of them overwhelmingly so.

"The prior question is, what were the odds, and what would have happened without Neighbors?" says Bob Green, a Labor Department official who has lived there for seven years. "They substantially slowed the rate of change against enormous odds. But this area will be completely black—and how long that will take, I don't know—and probably lower-income black.

"A group like Neighbors can defer, deflect, but how the hell are you going to contain the pressure? Where are those poor blacks from the inner city going to go. We, as a society, don't know how to span the cultural and economic gap. That's the problem."

At the moment, Green and his wife are facing a personal decision themselves. As with so many others, it involves the public schools.

"We only pass this way once," he said, "and I don't have the right to sacrifice my kid to a cause. If things are as grim at Paul Junior High as I have reason to believe they are in terms of the cultural gap, then I'll have two alternatives—private school or move."

Again and again, whites interviewed for this article expressed similar concerns. "There's very little problem with elementary schools for most white parents," one mother said, "but when you hit that junior high level, where the kids are beginning to hit this agonizing process of identification and who they are, then it gets difficult."

One of the best examples of the kind of anguished reflection that many white residents face can be seen in the Caplan family, Marvin and Naomi. Caplan was one of the founders of Neighbors Inc., and he and his wife spent a decade of work in the area and still live there.

"We support integration," said Mrs. Caplan, "not segregation, either for blacks or for whites." This year, they transferred two of their children from predominantly black schools to ones with a greater racial balance.

"If we could have showed that it did work—and I think we did—it would give the general principle greater impetus. We didn't win on school integration, and we went through a lot of hell on that. When you put 10 years into something, you want something to happen."

Caplan had the last word. "In something like this," he said quietly, "you have to keep your expectations minimal and expect no great victories."

Like so many others, they singled out the schools as a crucial factor in white attitudes about the city. Some whites spoke of the problems, emotional and otherwise, of white children in an overwhelmingly black school. They were experiencing what so many Negro children felt so long in similar racial situations where they were the tiny minority. Added to this are the problems that flow out of differing home and economic conditions, and black-white tensions within the schools themselves.

Because the schools are so volatile an issue, and attract so much attention, it isn't surprising to find whites who blame the press for exaggerating—and thus exacerbating—the situation.

"There's too much concentration on day-to-day kinds of reporting of the terrible things going on in the schools," one young white housewife said indignantly. "At Draper School, for instance, we read about policemen in the school, but we don't hear about the mothers volunteering to tutor kids in reading. People should not accept somebody else's judgment of a school, or the impression they get from newspapers or television. The should go to the school themselves, talk to parents with children there."

She was speaking as a concerned parent about immediate problems and attitudes of the present. When it comes to looking beyond today and assessing the future of a capital city that is becoming increasingly segregated, in reverse, the answers are even harder to find.

One who takes a longer view is Ben Segal, Mayor Walter Washington's special assistant and a veteran fair housing worker.

"So much of my life has been spent working for integration that I still have to see it as a necessary and important objective," he says. "Obviously, in a city like Washington where 70 percent of the population is black, integration in the old sense is gone. Separatism has taken over, but a change has taken place that is healthy. The whole paternalistic relationship has gone, and that's just as well.

"In a community like Washington, whites have to recognize they can't run the show and shouldn't. As long as they don't feel their honor is shattered by not being top dogs, whites can work—but not in a leadership capacity."

A different appraisal, with a wider focus, came from Dr. Michael Halberstam, a physician and writer who is particularly interested in such subjects as white racism and guilt. Halberstam looks toward the young as the hopeful key to the future.

"A great development is what I call the negrification of youth," he said, "even young white racists who are negrified and don't realize it. When white kids in the neighborhood play basketball, they use the patois of the black ghetto, they walk like hip black kids, they listen to the same songs, wear some of the same clothes.

"It's really significant how complete has been the acceptance of the Negro life style and how blase these kids are going to be in 10 or 20 years in things we consider significant now.

"That's all bound to have a tremendous effect in time."

## SCIENTISTS FEAR NEW CUTS IN FEDERAL FUNDS

Mr. KENNEDY. Mr. President, today's Washington Post carries a detailed story which summarizes the concern of the American scientific community over the short- and long-range efforts of the cuts being imposed in Federal scientific research projects. The impact of these cuts appears far greater than was first imagined, and far greater than the Director of the National Science Foundation and the Chairman of the National Academy of Sciences said when they testified before our Subcommittee on the National Science Foundation last spring.

I have said many times before, and let me repeat today: We do ourselves grave damage as a nation if we shortchange the funding of our scientific enterprise. Scientific and technical knowledge is the major component in the engine of American technological success. If we shortchange it today, then tomorrow we suffer not only economically but also as a people, for the richness of our society will diminish.

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

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

U.S. SCIENTISTS FEAR FURTHER CUTS IN AID

(By Victor Cohn)

"We are witnessing a mindless dismantling of the American scientific enterprise."

These words—spoken at a recent meeting of the American Chemical Society—represent a deep new fear among American scientists and medical researchers.

They fear that what a year ago still seemed a temporary "leveling off" in federal support of research and training in science and medicine has become an annual pole-axing.

They report that:

A combination of cuts, "hold-downs" and inflation has meant a 20 per cent cut in the last two years in academic research—basic and advanced studies at universities, hospitals and similar centers. In many fields, it means a more than 40 per cent cut since fiscal 1967, the year science budgets began leveling off.

Fiscal 1970, the budget year that began July 1, "will obviously be the worst year yet," though Congress has not completed action yet on any appropriation bills.

Fiscal 1971 budgets, by advance word, will be no better, or provide only "minimal increases." In fact, a five-year plan now being drafted at the Department of Health, Education and Welfare sees no research increases for nearly four years—not until mid-1973.

The greatest effect, leaders in science and medicine agree, will be on the future supply of Ph. D.s and M.D.s.

In recent interviews, Dr. Lee A. DuBridge, President Nixon's science adviser, Dr. William McElroy, director of the National Science Foundation, and Dr. Philip Handler, president of the National Academy of Sciences, agreed that the next 20 years will need armies of experts to clean up pollution, man health centers, staff university faculties and build new urban and industrial technologies—and that present federal policies will not provide them.

DuBridge, in testimony to the House Science Subcommittee, spoke of "our faltering scientific enterprise" and warned of "huge" and "serious" gaps in "fruitful and important fields."

A CRITICAL STAGE

"Our research in terms of real effort is declining," he said in an interview. "Our scientific corps is not growing as it needs to grow—when our population is increasing and the needs of the country are so clear and glaring. We're at a very critical stage."

Handler—new head of "the Academy," a group that advises the government on many issues—said, "A crisis is facing all American science. It is a very black picture."

McElroy—new head of the NSF, the government's main agency supporting basic research—said, "The crisis is not here. It can still be avoided if we start growing modestly. I think we're on the edge. The way things are going, I see a real possibility of collapse."

"Collapse" to McElroy means not just failure to build new buildings and buy new telescopes or medical electronics—"this has already been happening." It means "loss of young people," who are "already being forced to turn to other fields," and then loss of faculties, "which has not yet happened but will begin."

For "the way things are going," the scientists point to what has happened so far.

The Nixon budget asked $500 million this year for NSF—it provides nearly a fourth of the government's $2.1 billion support of academic science and training. A House Appropriations Subcommittee cut this to $420 million. With $20 million in left-over funds, this would make $440 million, compared with $420 million in fiscal 1969.

Even if NSF winds up with more, however, say $450 million out of a conference committee, this would mean just a 6 per cent increase. McElroy and many others say: "General inflation costs us about 5 per cent a year. Increasing scientific and medical sophistication costs another 5 per cent, and increasing salaries—because we mainly have young investigators—costs another 5 per cent. So we need about 15 percent more a year to stay even."

The Nixon budget allotted the National Institutes of Health just $1.64 billion compared to last year's $1.93 billion for biomedical and health projects, study and training. It allotted $462 million of this as "regular" research grants, which may wind up as $425 million, affected by the President's recent order to slice an extra $3.5 billion from federal budgets.

MEDICAL SCHOOLS HIT

"The main effect," says one health scientist, "is on medical schools. The entire medical school, not just the research labs. And on output of future doctors, teachers and researchers."

According to Dr. John Cooper, head of the Association of American Medical Colleges, these schools today get "upwards of 40 per cent" of their total income from federal research and training grants. For some the figure is "50, 60 or even 70 per cent." They are also being hit by cuts in Medicaid, which they need to help pay for low-income patients in their research and teaching hospitals.

Some specific effects:

Nine medical schools are now, Cooper states, "teetering on the edge of insolvency" —drawing on thin reserves or other university funds to stay open, unable to accept poor black students or obey demands to "expand" to provide the U.S. more doctors. Cooper declined to name affected schools. But in New York City last week the New York Medical College said its "continued existence is threatened." Medicaid cutbacks have caused a $1.3 million annual deficit at is Flower and Fifth Avenue Hospitals.

All NIH Sept. 1 grant renewals were cut by around 5 per cent to save $14 million. Funds for new grants were cut by 10 per cent, to save $18 million, and "I am concerned that even these cuts may go deeper," says Cooper. Some units are already making deeper cuts.

The National Institute of Arthritis and Metabolic Diseases has been making 15 per cent slashes in many programs, to save funds for renewals and new awards.

In all, there will probably be less than 10,000 NIH grants in effect by the end of fiscal 1970, compared with 12,324 in 1965.

To save some $9 million a year, five major programs to attack chronic and crippling diseases—specifically, heart disease, stroke, cancer, arthritis, diabetes, neurologic and sensory diseases and lung diseases—are to be phased out. "Ironically," comments one doctor, "these programs were started by Congress to translate basic research into help for patients. These cuts will wipe out many unique staffs, staffs that took years to put together."

To save $4 million, 19 of 93 "clinical research centers"—small 4-to-10-bed advanced units in hospitals—are to be similarly abolished.

To save $400,000, a world-famous National Heart Institute program to study factors contributing to heart disease is being ended. This is "the Framingham study," following Framingham, Mass., men and women to learn how smoking, high blood pressure, obesity, blood cholesterol and other things affect the blood vessels and heart. "Heart researchers in and out of NIH are sick about this decision," said a recent issue of Washington Report on Medicine and Health.

Nearly 400 monkeys—carefully followed for five years to study virus-caused cancer—are to be killed by the National Cancer Institute. Animal centers at many hospitals and universities also will suffer.

Doctors at NIH's big Clinical Center, its own research hospital at Bethesda report that "in many wards we are so low on nurses and other workers that we are turning away patients we could and should care for."

Cuts in NSF and other federal support in the physical sciences—report professors in those fields—will have similar effects in physics, astronomy and other areas. "Studies of human behavior are on starvation rations," says one professor. Important work in organic chemistry—though it is basic to all medicine and biology—is being eliminated as "non-health-related" by NIH's National Institute of General Medical Sciences.

All this affects "knowledge we need for future technological progress," say men like Handler, McElroy and DuBridge. But "it is not merely a matter of support of research," McElroy emphasized—"It is a matter of the support of our universities."

"And of people," he added. "A research grant is the way you train a graduate student today."

Research grants, training grants and "clinical research" units says Dr. Cooper, are "really part of the training of future faculty, the people who go into academic medicine. These are the very people needed to produce the health manpower to meet the crisis President Nixon says will exist."

An $18 million cut in NIH training grants and fellowships—from a $196 million total last year—means training programs have already been "wiped out" in some medical school departments, according to a report in Science.

EFFECT OF DRAFT

The draft and cuts in scholarship and loan funds add to the problem. The total effects will be "catastrophic," says Dr. John Knowles of Massachusetts General Hospital. Nobel prize-winning biologist Dr. Albert Szent-Gyorgyi says "the cuts are having a demoralizing effect" on the young and "shutting the way to science for many."

Dr. John Siegel at one of the clinical research centers to be closed—an acute injury and illness unit at Jacobi Hospital in New York City—asked, "Who will be our researchers in 10 years when we need to learn more about disease?"

A Health Manpower Act was voted by Congress in 1968, but funds to help medical schools have never been approved. Cuts in "neurologic and sensory diseases," a specialist points out, mean lack of funds to train speech pathologists and audiologists to help children with speech, hearing and learning troubles.

REQUEST UNANSWERED

A University of California zoology professor reports that two professors trying to learn how to manage the polluted environment "have spent between them about 40 manhours negotiating with a major U.S. agency for a joint program to train one graduate student. The request to date has not been answered. You cannot imagine the bitterness I feel at the absurd discrepancy between the demands made on our time by the press and by politicians, which contrast so sharply with out inability to get funds."

Alarm in the scientific community is growing. In the Sept. 26 issue of Science, organ of the American Association for the Advancement of Science, scientist-editor Dr. Philip Abelson called on scientists for "political action": "They have the wit and energy to develop the political clout necessary, and they should get about that business."

Many scientists, among them Harvard's Dr. George Wald, blame the country's defense and war bill for the problem. Dr. S. E. Luria, distinguished MIT biologist, contrasts the nearly $4 billion-a-year support for space exploration alone—which he considers "scientifically trivial"—with the tiny sums shared by "hundreds of projects."

Dr. Roger Egeberg, HEW's health chief, said at a recent House subcommittee hearing that "I will see if I can't make a crisis" over the low priority for health funds. NSF's Dr. McElroy has personally visited 25 senators and representatives, "and I ask them why don't they want to support the development of science and technology, and the exploration needed to keep young people, which are the future of America."

## CONCLUSION OF MORNING BUSINESS

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

## EXTENSION OF THE INTERSTATE OIL AND GAS COMPACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which 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 Senate resumed the consideration of the joint resolution.

Mr. MOSS. Mr. President, Senate Joint Resolution 54, which is sponsored by the distinguished and able senior Senator from New Mexico, (Mr. ANDERSON), would grant the consent of Congress to a 2-year renewal of the interstate compact to conserve oil and gas. The measure was the subject of public hearings by the Senate Interior Committee, and was reported favorably on May 23 by unanimous vote of the committee.

Senator ANDERSON'S resolution is the latest in a long series of legislative measures giving congressional consent to renewal of the compact which was initially signed in Dallas, Tex., on February 16, 1935, by six of the oil-producing States. In fact, Senate Joint Resolution 54 is the 11th such measure.

The purpose of the compact, and the sole purpose of the compact, is to authorize the participating States to cooperate in prevention of the physical waste of oil and gas. Article II of the compact states in precise words:

> The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

All of its activities are under the direct supervision of the Department of Justice, and section 2 of Senate Joint Resolution 54 requires the Attorney General to make annual reports to Congress as to whether those activities have been consistent with article V of the compact. Article V provides:

> It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

The Attorney General consistently has given the compact operations a clean bill of health. The report filed in April of this year is no exception.

Mr. President, as I mentioned, the compact first came into being in 1935, with six States of Colorado, Illinois, Oklahoma, Texas, California, and New Mexico as charter members, so to speak. It was the direct result of the chaotic and wasteful conditions in domestic oil and gas production in the early 1930's. Petroleum was literally being pumped onto the surface of the ground, and with prices of 10 to 25 cents a barrel, often was allowed to sit there and waste away. Gas was being flared—that is, burned at the wellhead. Precious and vital natural resourcse were being wasted, profligately.

Joint action by the primary oil-producing States was essential, and the 74th Congress approved the proposed compact the States had worked out. Its purpose was then, and is now, the conservation of oil and gas by prevention of the physical waste thereof.

Since initial approval of the compact by the 74th Congress, successive Congresses have on successive occasions approved extensions for periods of 2 or 4 years, after having looked into and found that the activities of the States under the compact were achieving success in fulfilling the avowed mission of preventing physical waste through local State action.

Twenty-nine States, which account for the overwhelming bulk of oil and gas production within the United States, now are members of the compact.

The text of the provisions of the compact, and its legal history, are set forth in full in Senate Joint Resolution 54.

Member States agree to enact and enforce State legislation to prevent waste of oil and gas, and article VI provides for each member State to appoint one representative to a commission, designated the Interstate Oil Compact Commission, the duty of which shall be "to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be dis-

closed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial, it shall report its findings and recommendations to the several States for adoption or rejection."

The Commission has no power of compulsion. Its sole purpose is to assist the States, industry, and the public in general in promoting the conservation program, the compact providing, by its terms, that—

The commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas.

Thus, the only authority for carrying out the conservation program rests with the members States.

Any State may withdraw on 60 days' notice, but no State has ever exercised this privilege. Rather, membership has steadily increased from the original four sponsoring States to a total of 29 active States; that is, States in which oil or gas is now produced, and four associate members—that is, States in which there are excellent prospects that oil or gas will be produced.

In closing, Mr. President, I would like to say a word about the amendment that I understand is to be offered by the able Senator from Massachusetts (Mr. KENNEDY). This amendment is not germane to Senate Joint Resolution 54. The sole purpose of the resolution is to grant the consent of the Congress to a 2-year renewal of the compact. The compact and its operations have nothing whatever to do with the mandatory oil import program, to which the Senator's amendment is addressed.

The import program has not been the subject of hearings or committee consideration in the context of Senate Joint Resolution 54.

Therefore, I hope the amendment, if it is offered, will not be agreed to because I think it would impair the renewal of the compact. Congressional consent is necessary at this time for the 29 States to continue the program of conservation of oil and gas.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MATHIAS in the chair). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the joint resolution insert the following new section:

"SEC. 4. Subsection (b) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended to read as follows:

"'(b)(1) Upon request of the head of any department or agency, upon application of an interested party, or upon his own motion, the Director of the Office of Emergency Preparedness (hereinafter in this section referred to as the "Director") shall immediately make an appropriate investigation, in the course of which he shall seek information and advice from other appropriate departments and agencies, to determine the effects on the national security of imports of the article which is the subject of such request, application, or motion. If, as a result of such investigation, the Director is of the opinion that the said article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, he shall promptly so advise the President.

"'(2) If the President determines that the article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, he shall report to the House of Representatives and the Senate the action he deems necessary to take, and the reasons therefor, to adjust the imports of such article and its derivatives so that such imports will not so threaten to impair the national security. Such action of the President to adjust such imports shall become effective at the end of the 90-day period following the date on which such report is submitted to the House of Representatives and the Senate, unless before the end of the 90-day period either House adopts a resolution stating in effect that that House does not favor the action deemed necessary by the President. The President shall report to the Congress, one year after the date on which such action becomes effective, on the effectiveness of such action in achieving the objectives of this section.

"'(3) For purposes of paragraph (2), in the computation of the 90-day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die. The report referred to in paragaph (2) shall be delivered to both Houses on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session.

"'(4) Any action of the President under paragraph (2) to adjust the imports of an article and its derivatives shall cease to be effective two years from the date on which such action becomes effective under such paragraph, except that, if before the expiration of such two years, the President submits another report under such paragraph with respect to such article and its derivatives, such action shall remain in effect until the expiration of the 90-day period applicable under such paragraph to such other report. For purposes of applying this paragraph to any action taken by the President under this subsection (or under corresponding provisions of prior law) before the date of the enactment of this paragraph, such action shall be treated as having been taken by the President one year before the date of the enactment of this paragraph.

"'(5) The President may modify any action taken by him under paragraph (2) during the period such action is in effect except that no such modification may be made which substantially increases the restrictions on the imports of the article and its derivatives.'"

Mr. KENNEDY. Mr. President, I know the distinguished Senator from Utah has indicated that there is a question of gemaneness with respect to the amendment to the interstate compact which I have sent to the desk. I know in my informal discussions with the distinguished Senator and with other members of the Committee on Interior and Insular Affairs that they raise questions as to the germaneness of the amendment and whether it should be attached to this particular legislation or whether it should be attached to some measure which springs from the House of Representatives. I am prepared to enter into a discussion of the question of germaneness, as well as to discuss the substance of the measure which is before the Senate.

Mr. President, I wish to press for consideration of my amendment. I shall explain it to Members of this body. Obviously, any Senator who wishes to express his views in terms of its germaneness will be recognized.

Mr. President, the amendment which I have offered is a very simple amendment. It reaches to the heart of the oil import program, which has been on the books since the Presidential proclamation of 1959, and which has worked a particular hardship to those of us in New England. For although we comprise only 6 percent of the population of this great Nation, we consume about 21 percent of all heating oil.

I rise today to exercise the legitimate prerogatives of this body and the House of Representatives. We know that under the Presidential proclamation pertaining to the oil import program, there are very limited reviews of that program which so dramatically affects the cost of gasoline and oil to consumers of this Nation.

We know the Office of Emergency Preparedness is charged with the responsibility of reporting to the President when it finds that the oil import program is working in and of itself to increase the cost of oil to consumers. Yet we find that the OEP has been woefully negligent in making such reports to the President and to the American people.

Mr. MOSS. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. MOSS. I appreciate what the Senator's objective is. I would agree that this matter should be considered by Congress. However, I said in my opening statement, that I do not believe it is an appropriate amendment for this joint resolution before us. At an appropriate time, I will have to raise a point of order. But I do want the Senator from Massachusetts to have the opportunity to present his point of view.

I want to say one other thing to the Senator. This involves the import problem. There are other committees that would be involved, to some degree. But, I would assure the Senator that, to the extent that the Committee on Interior and Insular Affairs and the Subcommittee on Minerals, Materials, and Fuels, of which I am chairman, has jurisdiction, we would be willing to hold open hearings so that the whole matter will be laid out fully. In this way, this issue would not have to be taken up by way of an amendment directly on the floor without any basis of hearings, with what I think is probably a fatal lack of germaneness to the pending matter.

All we are doing in Senate Joint Resolution 54 is granting consent to the

States to continue a compact under which the States have been operating for 32 years; I do not think that an amendment to the Trade Expansion Act could be engrafted on it and not have the resolution fatally flawed.

I wanted to state this in advance to the Senator that he would understand the position taken by the committee.

Mr. KENNEDY. Mr. President, I express my appreciation to the Senator from Utah for considering and indicating that hearings would be held on this question. I realize that these may be jurisdictional in the Committee on Interior and Insular Affairs as well as in the Finance Committee.

Let me point out a few reasons why I think this amendment is relevant to the question now before us. As explained by the distinguished Senator from Utah, the compact is concerned with the conservation of oil and oil resources. Certainly, the question of the conservation of oil and oil resources is related to the oil import program, whose sole justification is to assure adequate supplies of oil to meet our national security needs.

Although I am certainly mindful and respectful of the Senator from Utah, let me also say that the amendment would not, in and of itself, affect to any extent the tariffs on oil, or the amounts of oil that could actually be imported. All we would really be doing is prescribing a procedure by which the executive would be given the responsibility of informing Congress as to the justifications for the continuation of an oil import program.

Mr. COTTON. Mr. President, the subcommittee of the Committee on Appropriations of which I am the ranking minority member is just about to meet, so I must leave the Chamber. I expect to be able to return before the amendment introduced by the able Senator from Massachusetts is disposed of, but for fear I might not be able to return, I commend the distinguished Senator for offering the amendment. I believe it is necessary and highly appropriate to the bill. There is no question it is desperately needed. We need to avail ourselves of the opportunity to focus attention on our problem and to make certain Congress is not bypassed and ignored. I associate myself fully with the remarks of the Senator from Massachusetts. The measure is vital to New England and to other parts of the country. I shall support it to the best of my ability.

Mr. KENNEDY. Mr. President, I wish to express my appreciation to the Senator from New Hampshire, who has been one of the real watchdogs in this body over the years, insuring that there will be a fair and equitable policy on the entire question of oil distribution and oil importation. Certainly, having his approbation and support this afternoon is heartening.

Does the Senator agree with me that it certainly is not inappropriate for Members of this body, in a program which reaches questions of national security, to expect the executive department of this country to file reports annually with the Congress and the Senate to justify extension of this program; and does the Senator agree with me that this would be helpful and useful in explaining to his constituents, my constituents, and the consuming public the national security implications of such a program and the reasons for it?

Mr. COTTON. I most emphatically agree with the Senator that this is an appropriate amendment to the bill and that these reports should be filed. There already is a moral obligation to file them, but this should be a directive by the Congress that we be kept informed, with special emphasis on the defense aspects of the problem.

I agree with the Senator. I think it is wholly germane, wholly appropriate, and highly desirable.

Mr. KENNEDY. Mr. President, would the Senator not agree with me, as well, that the thrust of the amendment introduced today is to keep Congress informed and in this way to keep the American people informed of the reasons for continuation of the old import program. Would we not agree that, by implication, President Nixon's appointment of a task force to study the whole problem assumes that there are not sufficient kinds of safeguards at present. My amendment, if it is successful, would really negate the reason to have a task force and special kinds of commissions established, because Congress would be informed of the program and would be made aware of its impact.

Mr. COTTON. I certainly do agree with the Senator. I recall that the Senator from New Hampshire, who has been in the Senate for 15 years, had as one of his first duties as a freshman Senator, to represent the New England Senators, on a committee of two, under the leadership of the most distinguished brother of the Senator from Massachusetts, later to be President of the United States, to seek, at that time, from the Eisenhower administration, action on the import problem. Where did we go? We went to the Office of Defense Mobilization, which indicates that this is vital to American defense. Through the years, as the Senator has so rightly stated, under both Democratic and Republican administrations, Congress has had a very difficult time attempting to assert itself, to be heard, and to be informed on this vital problem.

I most assuredly agree with the Senator and trust that his amendment will be adopted.

Mr. KENNEDY. I thank the Senator from New Hampshire.

Mr. HANSEN. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. HANSEN. If I may, I should like to say to the distinguished Senator from Massachusetts that I am not unmindful of the fact that a great many people are very much interested in the amendment he has proposed. Along with the distinguished Senator from Utah, I, too, would like to serve notice that, at the proper time, I should like to raise a point of order. It will be my contention that the Senate can amend a revenue measure, but that it cannot originate one. History in this regard is rather clear. That is substantially the contention that will be made. The national security provisions to the trade laws of the United States have been acted upon by Congress in 1954, 1955, 1958, and 1962. In each case, the legislation which continued the national security provisions, originated in the House of Representatives. As I have said before, the Senate can amend a revenue measure, but it cannot originate one. The Senator's amendment affects the tariff, and tariff legislation has historically been considered revenue legislation.

I think that perhaps the Senator from New Mexico (Mr. ANDERSON) may have—if this be not an inappropriate time—a message to bring to the floor, to our distinguished colleague from Massachusetts, from the Finance Committee, and that this would probably be the appropriate time.

Mr. ANDERSON. Mr. President, I have no wish to break into the speech of the Senator from Massachusetts. When he has finished his direct address, then I must raise a point of order against the inclusion of his amendment in the measure to grant the consent of Congress to a renewal of the interstate oil compact.

Mr. KENNEDY. I thank the Senator from New Mexico.

Mr. President, the thrust and purpose of the amendment, as I have stated, would provide a procedure by which the President of the United States would make an annual report to Congress about the reasons for continuation of the oil import program, and that every 2 years he would be required to submit his import control plan to the Congress with a demonstration that it was essential in the interests of national security. If neither Congress or the Senate acted within 90 days—a procedure which is followed routinely in the Executive Reorganization Act and elsewhere—then the import controls would be continued.

It is the position of the Senator from Massachusetts that it is important and essential that we have these periodic reviews, and that we in Congress and the Senate should be able to review programs, such as an oil import program, which costs consumers billions and billions of dollars. If there are arguably justifiable reasons for the continuation of the oil import program, we in Congress and the Senate should be informed of them and be given the opportunity to evaluate them. It is really only for that reason that the amendment is introduced, and it is for that reason that I would hope it would be considered.

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

Mr. KENNEDY. I yield.

Mr. MOSS. Mr. President, as I said before, at the appropriate time I will have to raise a point of order.

I wanted to point out to the Senator that the resolution before us is a very simple matter of granting consent to States to adopt conservation practices on their own initiative. I would like to read just one, short paragraph from the report filed by the Interstate Oil Compact Commission. That is the commission which is set up by the compact among the States. This statement is from the official report of the Attorney General of the United States which was pre-

sented by Governor Docking, of Kansas, chairman of the commission, at the hearings, the subcommittee of which I am chairman held in May.

I quote that paragraph:

It is clear that this Compact not only falls far short of earlier proposals for a central agency to control oil production, but in fact provides neither machinery nor power to coordinate State action. First, there is no Federal participation nor any coordination of oil imports associated with the plan. Again, the Compact does not provide for a uniform system of conservation laws among the States; its thrust is in the opposite direction. Each State, agreeing to conserve oil and gas by prevention of physical waste, binds itself only to enact laws to prevent certain generalized kinds of waste. But the substance and form of such laws are nowhere specified; each State is free to adopt whatever policy measures it deems best. And while the Commission established under the Compact may make recommendations on conservation practices, each State is explicitly left free to adopt or reject them in whole or part as it sees fit.

The reason I read that paragraph from the Attorney General's report is to point out that the amendment proposed by the Senator from Massachusetts is wholly alien to the compact, in that it endeavors to establish, as a part of the resolution, a measure whereby the President of the United States must report annually to the Congress on programs initiated under the Trade Expansion Act. Programs would expire every 2 years, and Congress would exercise a degree of control by having veto power. The amendment moves into a field entirely different from that of the resolution, since it has to do with imports of petroleum products.

I also want to underline that the kind of conservation we are talking about here is prevention of the physical waste of oil and gas, such as allowing the gas to be flared out and escape into the atmosphere, or allowing oil to stand and seep away or otherwise be destroyed. The resolution's purpose is simply to facilitate control by the various States of the physical conservation of oil and gas.

For that reason, and for the reason that the subject matter of the amendment properly belongs in the jurisdiction of another committee, at least in part—at least, the jurisdiction is shared with another committee—and for the reason that we have not held hearings on the proposal—and are perfectly willing to hold hearings—that I think the amendment must be rejected.

Although I think my other colleagues may want to address themselves to the point, I renew my assertion that I must raise a point of order at the appropriate time.

Mr. KENNEDY. Mr. President, on the question of conservation, I should like to read from the 1967 report of the Attorney General on the resolution consenting to the interstate compact to conserve oil and gas. It states, on page 43:

In sum, the conservation regulatory system accomplishes an indirect and partial balancing of overall crude oil supply, which permits higher prices to be established than would normally prevail if no controls existed.

I think that very directly pertains to and is related to the whole question of the oil import program.

I think the amendment is relevant.

I am very appreciative of the expression by the Senator from Utah indicating that hearings would be held. I think such hearings would be extremely helpful and useful to the Members of the Senate.

I understand the Senator from Utah cannot speak for the Finance Committee. We have had some informal assurances that there would be consideration of this amendment in that committee when the Trade Expansion Act is considered. I was just wondering if the Senator from Wyoming, who is a member of the committee, could give us any kind of enlightenment on that suggestion.

Mr. HANSEN. I thank the distinguished Senator from Massachusetts.

Mr. President, on behalf of the Finance Committee and, more specifically, for the senior Senator from New Mexico (Mr. ANDERSON), a very distinguished member of that committee, I am privileged to report to my colleague from Massachusetts that just this afternoon the Committee on Finance has indeed indicated its willingness to consider the amendment that has been proposed by the Senator from Massachusetts.

I have in my hand a letter addressed to the chairman of the Finance Committee by the senior Senator from Massachusetts; and if I may, I would like to read the last paragraph of the letter. The letter states:

I know that you are heavily involved with the tax reform measure at the present time and that the Finance Committee schedule is full, but there may very well be an area where you would like to hold hearings when the opportunity arose, and if such hearings were held I certainly would consider withdrawing the amendment.

The letter is signed, EDWARD M. KENNEDY.

This afternoon the Finance Committee indicated it would indeed be pleased to hold hearings on the measure of the Senator from Massachusetts. Hearings probably would have been held sooner, but inasmuch as the President sent his message on social security reform to the Congress before he submitted his message on trade, the priorities in the Finance Committee were fixed in that order.

With assurances on my side, and with the senior Senator from New Mexico, I am prepared to say now that the Finance Committee will be very pleased to hold hearings on the Senator's measure.

I may ask if, in light of those circumstances, it might be the intention of the Senator from Massachusetts to withdraw his amendment at this time.

Mr. KENNEDY. It would be my intention so to do.

I want to express my appreciation to the Senator from Utah, as well as the Senator from New Mexico and the Senator from Wyoming. I did, as the Senator from Wyoming mentioned, write to the distinguished chairman of the Finance Committee and indicated to him the scope of and the reason for the amendment, and tried to give him notification that this amendment would be forthcoming.

With the assurances of the Senator from Utah, as well as the Senator from New Mexico and the Senator from Wyoming on this question, I certainly feel that we have an opportunity for hearings in both those committees. If we can get such hearings within a reasonable period of time, taking into account that there are demanding measures before both of those committees. I would certainly be prepared to withdraw the amendment.

Mr. ANDERSON. Mr. President, I might point out that this amendment is subject to a point of order under the Constitution. It involves an amendment to the Trade Expansion Act of 1962, the subject of which is the raising of revenue. Such legislation should originate in the House, and would be in order only if offered to a House bill proposing to raise revenue.

I am sorry to differ with the Senator on this point. He came into my State a few days ago and made a very fine address before a wonderful audience. I hope we can work out our differences.

Mr. KENNEDY. Mr. President, if I may have the attention of the Senator from New Mexico, I am withdrawing my amendment. With the kind assurances that have been given by the members of the Committee on Finance and by the Committee on the Interior for hearings on this matter I am willing to withdraw the amendment.

Mr. ANDERSON. I think that is a very fine action on the Senator's part.

Mr. MOSS. I thank the Senator from Massachusetts.

Mr. President, I assume that the bill is open to amendment. If no amendments are to be offered, I ask for third reading.

The PRESIDING OFFICER The joint resolution is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 54) was ordered to be engrossed for a third reading, and was read the third time.

Mr. MOSS. Mr. President, before the question is put on the joint resolution, it having been read the third time, I am happy to yield to the Senator from Wyoming, who has a brief statement he would like to make about the joint resolution.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Utah. I express my appreciation to him for his leadership in presenting again for the consideration and approval of Congress a matter that I think has worked extremely well, has served the best interests of the people of the United States and, I suspect, at the same time might also be accurately prescribed as one of the most misunderstood compacts we have ever had.

It has not been anything new for Congress to authorize several States, or two or more States, to get together and, by compact, seek to achieve goals and objectives that they might not otherwise be able to attain on an individual basis. The interstate oil compact is just such a compact. It came into being because of the concern, dismay, and frustration of people who were witnessing a great waste of our natural resources.

It was not uncommon, in the early

years of the development of the great oil industry in the Southwest, to see natural gas being flared. It was being burned and wasted, its energy irretrievably lost. It was not uncommon, in times of surplusage of oil, to see oil pumped from the ground and left standing in pools. The pools would sometimes overflow, and there could be contamination of streams, and a great amount of waste would result because the price was so low as to make it most difficult to find any economic way of disposing of it.

These are some of the things that brought about a conviction among representatives of the oil States that steps should be taken to cut down on this unconscionable waste. As a consequence, Congress authorized several States to get together and, through a compact, set down rules and regulations by which such wasteful measures could be brought under control.

As a former Governor of the State of Wyoming, it was my privilege to participate as a representative of one of the 29 active State members in the Interstate Oil Compact Commission. We found that, though some people believed it to be the case that the commission was a vehicle whereby production could be curtailed and regulated, that was not true; and that, though some people considered it a vehicle whereby a certain price could be maintained, that also was not true.

Actually, all that the commission did was offer the participating States an opportunity to get together to review the specific pieces of State legislation which had been enacted from time to time, to find out what measures had been found suitable, desirable, and efficacious by State governments to meet a series of situations, no two of which may have been identical; and, out of the whole welter of State legislation, there came into being a very great volume of law, which has been useful to a number of States.

For example, I ask the Senator from Utah if it is not true that in recent years the State of Pennsylvania, in searching through all of the laws that had been passed by the participating States, found some guidelines that would be useful to that State in coping with a rather unique situation—which was not unique in that it had never been experienced, except for the State of Pennsylvania.

Under the IOCC, various conservation measures were made available to the different States. These measures served as recommendations which could or could not be adopted by each State. The recommendations of the commission were applicable to the States in varying degrees. Each State was able to use the suggestions of the commission which were applicable to its particular land situation and ownership pattern.

This concept provides a definite advantage over the situation that would occur if the Federal Government had taken it upon itself to impose national conservation measures. This, to my mind, would be an unworkable situation, because if the National Government holds complete control over each State's conservation measures, those practices could not be tailored to the particular land situation within the State. The specific local need could not be served.

So Pennsylvania drew upon the experience of some of the other States which were members of the compact, to come forth with regulations which would prevent the physical waste of these natural resources, and that has been the thrust, over the years, of the Interstate Oil Compact Commission.

As the Senator from Utah has so accurately stated, it has no authority to compel anybody to do anything. It cannot fix prices, and it cannot control production. All it can do is suggest, by example, what has been done among the various States in order to reduce physical waste.

In supporting the distinguished Senator from Utah this afternoon, it would be my purpose to urge the Members of this body to enact, without further delay, the authority which will permit the continuation, for these 29 States and such others as may wish to become members, of the authority to work together in an effort that, I submit, has been most successful. It has served our country well, and serves the purposes of national security well. It serves well that great body of conservationists who deplore the waste of any natural resource.

In 1955, Congress agreed to the extension of the Compact provided that the Attorney General would report periodically to the Congress as to whether or not the compact was living up to article V.

Article V states:

> It is *not* the purpose of the Compact to authorize the States joining herein to limit the Compact to limit the production of oil and gas for the purpose of stabilizing or fixing the price thereof or create or perpetuate monopolies or to promote regimentation, *but* it is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limits.

The eighth report of the Attorney General was made in April of 1969. The Justice Department made a detailed study of the files and records of the compact. Judicial staff members were present at all regular commission meetings.

The Justice Department report noted the continuing role of the commission as a forum for study and discussion on conservation, and as a convenient focal point of Federal-State liaison. Attorney General John N. Mitchell stated in the report that the termination of the compact would not significantly change the basic competitive effects of current Government regulation, although it would adversely affect State and Federal efforts at conservation in those areas most constructive and uncontroversial.

Although it is only natural that private industry be an intricate part of the compact, the 1968 report of the Attorney General pointed out that private industry performed a role of the expert adviser and that there was no cause for concern related to the role which private industry played in the work of the commission.

Mr. MOSS. I thank the Senator from Wyoming for his great contribution. He, having served as Governor of one of our great oil producing States, is well aware of the functioning of the compact from the point of view of the States as well as from his position on the Committee on Interior and Insular Affairs, of the U.S. Senate. What he has stated is of great importance here, and should be heeded by the Members of this body.

I, too, hope that we can proceed with all due speed today to continue this consent that we have granted to the States in years past.

I am happy to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, first let me say briefly that I share the views expressed by the Senator from Utah, the Senator from Wyoming, the Senator from New Mexico, and others who have spoken in support of Senate Joint Resolution 54.

I am proud to say my State of Kansas is one of the major oil and gas producing States. The industry contributes much to the economy and welfare of the State of Kansas. In 1968, the value of oil and natural gas production in the State was about a half billion dollars and there were 27,800 people employed. Direct tax collections by Kansas counties from oil and gas production in 1966 totaled $17,144,000, which went primarily for the State's public schools.

The resolution we are now considering is important to the oil and gas industry, but it is also important to all Americans. The interstate compact to conserve oil and gas was originally signed on February 16, 1935. Twenty-nine States, which account for practically all of our oil production in the United States, are members of the compact. My State of Kansas was an early signatory of this compact.

During the 1930's, there was a needless waste of this valuable natural resource because of the depression and overproduction. The compact was formed to conserve our oil and gas reserves by the prevention of physical waste. At this time, when the problems of our environment are of growing interest to the American people, I think it fitting that we reaffirm our faith in early efforts to preserve our great natural resources.

So I concur in what has been stated by the Senator from Wyoming and the Senator from Utah, that this is a very important resolution which should be passed at the earliest possible time, and I am happy to support the efforts of the Senator from Utah.

Mr. MOSS. I thank the Senator from Kansas for his remarks. He does indeed represent one of the great oil and gas producing States of the Union, and it is most appropriate that we hear from him.

I yield now to the Senator from Oklahoma.

Mr. BELLMON. I thank the Senator from Utah, and congratulate him for the work he has done in bringing to a vote the measure to renew the IOCC for another 2 years.

As Governor of the State of Oklahoma, I worked actively in behalf of the IOCC from the inception of that fine organization. I realize that, for those who have not had an opportunity to observe the

work of the compact at firsthand, it may be somewhat difficult to understand.

As is said in the report prepared by the Senator from Utah and others, this is a forum that serves a vitally important purpose, not only in oil States and oil-producing areas, but also in other parts of the country that depend upon petroleum as a major source of energy.

The existence of the compact and the adoption of the body of law which it has developed and promulgated among the various States has done a great deal to reduce the cost of petroleum production, and that lower cost is reflected in the lower costs the consumers pay.

I think it is important to dwell upon the fact, as the Senator from Wyoming has done, that the compact has no policing powers. It is strictly a voluntary body that serves as a place for States to gather and discuss mutual problems and arrive at workable solutions of problems.

The compact has no role in pricing or controlling imports or production.

I believe the Interstate Oil Compact Commission serves as an ideal pattern to follow with respect to products that cross State lines and produce wide-ranging benefits for all.

I commend the distinguished Senator from Utah for being able to bring the matter to a vote today.

Mr. MOSS. Mr. President, I thank the Senator from Oklahoma who represents one of our great petroleum producing States. He, too, served as a Governor of his State. He knows at firsthand of the operation of the compact and what it has meant to our country in the prevention of physical waste of oil and gas. He knows that it serves as a guideline to the States and that it acts only in a fact-finding and an advisory capacity. He knows that the Commission operates, and operates very effectively, in the public interest.

Mr. President, I wish to pay tribute to the great leadership displayed by the distinguished Senator from New Mexico (Mr. ANDERSON), the author of the pending resolution.

The Senator from New Mexico has displayed great statesmanship over the past two decades as a Senator not only in this field but also in the field of conservation. We acknowledge his leadership and our debt to him for the guidance he has given the matter now pending before the Senate.

I hope that we can now vote on Senate Joint Resolution 54 and that it will be passed by the Senate.

Mr. McGEE. Mr. President, passage of Senate Joint Resolution 54 to extend the consent of Congress an additional 2 years for the Interstate Compact To Conserve Oil and Gas is of utmost importance to my State of Wyoming, to the 29 member States, and to the national security of this country.

During its 34 years of existence, this interstate compact has grown from its initial six State membership to a membership of 29 petroleum-producing States. These States have executed an agreement to renew and extend the compact from September 1, 1967, to September 1, 1971.

This is surely a sufficient testimonial to justify congressional action granting consent to an extension and renewal of this interstate compact until September 1, 1971.

The purpose of the compact is to assist in the conservation of our valuable reserves of oil and gas by the prevention of waste. The Commission established under this compact provides a medium of exchange whereby the several States and the petroleum industry can share views and technical knowledge regarding conservation practices and related problems. The Commission not only provides a continuous forum for the study of State conservation laws and their administration, but also is equipped through its various committees to assemble technical information and recommendations for the benefit of the States and other interested parties. I, therefore, urge the enactment of Senate Joint Resolution 54 so that the work of this Commission may be continued without interruption.

I might add in closing that it is my hope that the Senate will pass this resolution as reported by the Committee on Interior and Insular Affairs. The primary objective of this measure is to promote and maintain effective conservation practices in the oil and gas industry and the participating States. Any amendments which would make substantive changes or additions to this resolution or which would add extraneous matters would likely cause further delay or possibly prevent its passage. I agree with the committee report on this resolution that this is not the proper legislative vehicle by which to require consideration of the extremely complex and far-reaching oil price structure and the mandatory oil import program.

The PRESIDING OFFICER. The joint resolution (S.J. Res. 54) having been read the third time, the question is, Shall it pass? (Putting the question.)

The joint resolution (S.J. Res. 54) was passed as follows:

S.J. RES. 54

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby given to an extension and renewal for a period of two years from September 1, 1969, to September 1, 1971, of the interstate compact to conserve oil and gas, which was signed in the city of Dallas, Texas, the 16th day of February, 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and Legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which prior to August 27, 1935, was presented to and approved by the Legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above-named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1967, to September 1, 1969, consented to by Congress by Public Law Numbered 90–185, Ninetieth Congress, approved December 11, 1967. The agreement to extend and renew said compact for a period of four years from September 1, 1967, to September 1, 1971, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming, as been deposited in the Department of State of the United States, and reads as follows:

"AN AGREEMENT TO EXTEND THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"Whereas, on the 16th day of February, 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact To Conserve Oil and Gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado, and Kansas, the original of which is now on deposit with the Department of State of the United States, a true copy of which follows:

" 'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

" 'ARTICLE 1

" 'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

" 'ARTICLE II

" 'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof. from any cause.

" 'ARTICLE III

" 'Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

" '(a) The question of any oil well with an inefficient gas-oil ratio.

" '(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

" '(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

" '(d) The creation of unnecessary fire hazards.

" '(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

" '(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

" 'The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

" 'ARTICLE IV

" 'Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commence; and providing for stringent penalties for the waste of either oil or gas.

" 'ARTICLE V

" 'It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote

regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

" 'ARTICLE VI

" 'Each State joining herein shall appoint one representative to a commission hereby constituted and designated as "The Interstate Oil Compact Commission", the duty of which said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

" 'The Commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

" 'No action shall be taken by the Commission except: (1) by the affirmative votes of the majority of the whole number of compacting States represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

" 'ARTICLE VII

" 'No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

" 'ARTICLE VIII

" 'This compact shall expire September 1, 1937. But any State joining herein may, upon sixty (60) days notice, withdraw herefrom.

" 'The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory states.

" 'This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.'

"Whereas, the said Interstate Compact to Conserve Oil and Gas has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1967; and

"Whereas, it is desired to renew and extend the said Interstate Compact to Conserve Oil and Gas for a period of four (4) years from September 1, 1967, to September 1, 1971:

"Now, therefore, this writing witnesseth:

"It is hereby agreed that the Compact entitled 'An Interstate Compact To Conserve Oil and Gas' executed in the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, a correct copy of which appears above, be, and the same hereby is, extended for a period of four (4) years from September 1, 1967, its present date of expiration, to September 1, 1971. This agreement shall become effective when executed, ratified, and approved as provided in Article I of the original Compact.

"The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing state may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

"Executed by the several undersigned states, at their several state capitols, though their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

"THE STATE OF ALABAMA
"By GEORGE C. WALLACE, Governor
"Dated: Aug. 11, 1966
"Attest: Mrs. AGNES BAGGETT, Secretary of State (Seal)

"THE STATE OF ALASKA
"By WILLIAM A. EGAN, Governor
"Dated: July 13, 1966
"Attest: HUGH J. WADE, Secretary of State (Seal)

"THE STATE OF ARIZONA
"By SAMUEL P. GODDARD, Governor
"Dated: March 8, 1966
"Attest: WESLEY BOLIN, Secretary of State (Seal)

"THE STATE OF ARKANSAS
"By ORVAL E. FAUBUS, Governor
"Dated: May 3, 1966
"Attest: KELLY BRYANT, Secretary of State (Seal)

"THE STATE OF COLORADO
"By JOHN A. LOVE, Governor
"Dated: January 13, 1966
"Attest: BYRON A. ANDERSON, Secretary of State (Seal)

"THE STATE OF FLORIDA
"By HAYDON BURNS, Governor
"Dated: June 28, 1966
"Attest: TOM DAVIS, Secretary of State (Seal)

"THE STATE OF ILLINOIS
"By OTTO KERNER, Governor
"Attest: PAUL POWELL, Secretary of State (Seal)

"THE STATE OF INDIANA
"By RODGER D. BRANIGIN, Governor
"Dated: May 31, 1966
"Attest: JOHN D. BOTTORFF, Secretary of State (Seal)

"THE STATE OF KANSAS
"By WM. H. AVERY, Governor
"Dated: December 1, 1965
"Attest: PAUL R. SHANAHAN, Secretary of State (Seal)

"THE STATE OF KENTUCKY
"By EDWARD T. BREATHITT, Governor
"Dated: June 6, 1966
"Attest: THELMA L. STOVALL, Secretary of State (Seal)

"THE STATE OF LOUISIANA
"By JOHN J. MCKEITHEN, Governor
"Dated: November 22, 1965
"Attest: WADE O. MARTIN, Jr., Secretary of State (Seal)

"THE STATE OF MARYLAND
"By J. MILLARD TAWES, Governor
"Dated: October 10, 1966
"Attest: LLOYD L. SIMPKINS, Secretary of State (Seal)

"THE STATE OF MICHIGAN
"By GEORGE ROMNEY, Governor
"Dated: May 19, 1966
"Attest: JAMES M. HARE, Secretary of State (Seal)

"THE STATE OF MISSISSIPPI
"By PAUL B. JOHNSON, Governor
"Dated: April 27, 1966
"Attest: HEBER LADNER, Secretary of State (Seal)

"THE STATE OF MONTANA
"By TIM BABCOCK, Governor
"Dated: Feb. 14, 1966
"Attest: FRANK MURRAY, Secretary of State (Seal)

"THE STATE OF NEBRASKA
"By FRANK B. MORRISON, Governor
"Dated: Jan. 31, 1966
"Attest: FRANK MARSH, Secretary of State (Seal)

"THE STATE OF NEVADA
"By GRANT SAWYER, Governor
"Dated: June 17, 1966
"Attest: JOHN KOONTZ, Secretary of State (Seal)

"THE STATE OF NEW MEXICO
"By JACK M. CAMPBELL, Governor
"Dated: Nov. 8, 1965
"Attest: ALBERTA MILLER, Secretary of State (Seal)

"THE STATE OF NEW YORK
"By NELSON A. ROCKEFELLER, Governor
"Attest: JOHN P. LOMENZO, Secretary
"Dated: Nov. 28, 1966
of State (Seal)

"THE STATE OF NORTH DAKOTA
"By WILLIAM L. GUY, Governor
"Dated: Dec. 19, 1966
"Attest: BEN MEIER, Secretary of State (Seal)

"THE STATE OF OHIO
"By JAMES A. RHODES, Governor
"Dated: July 25, 1966
"Attest: TED W. BROWN, Secretary of State (Seal)

"THE STATE OF OKLAHOMA
"By HENRY BELLMON, Governor
"Dated: November 15, 1965
"Attest: JAMES M. BULLARD, Secretary of State (Seal)

"THE COMMONWEALTH OF PENNSYLVANIA
"By WILLIAM W. SCRANTON, Governor
"Dated: Sept. 16, 1966
"Attest: W. STUART HELM, Secretary of the Commonwealth (Seal)

"THE STATE OF SOUTH DAKOTA
"By NILS A. BOE, Governor
"Dated: Sept. 26, 1966
"Attest: ALMA LARSON, Secretary of State (Seal)

"THE STATE OF TENNESSEE
"By FRANK G. CLEMENT, Governor
"Dated: April 18, 1966
"Attest: JOE C. CARR, Secretary of State (Seal)

"THE STATE OF TEXAS
"By JOHN CONNALLY, Governor
"Dated: October 11, 1965
"Attest: CRAWFORD C. MARTIN, Secretary of State (Seal)

"THE STATE OF UTAH
"By CALVIN L. RAMPTON, Governor
"Dated: April 11, 1966
"Attest: CLYDE L. MILLER, Secretary of State (Seal)

"THE STATE OF WEST VIRGINIA
"By HULETT C. SMITH, Governor
"Dated: July 14, 1966
"Attest: ROBERT D. BAILEY, Secretary of State (Seal)

"THE STATE OF WYOMING
"By CLIFFORD P. HANSEN, Governor
"Dated: Jan. 18, 1966
"Attest: THYRA THOMSON, Secretary of State" (Seal)

SEC. 2. The Attorney General of the United States shall continue to make an annual report to Congress, as provided in section 2 of Public Law 185, Eighty-fourth Congress, for the duration of the Interstate Compact to Conserve Oil and Gas as to whether or not the activities of the States under the provisions of such compact have been consistent with the purposes as set out in article V of such compact.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

Mr. MOSS. Mr. President, I move to reconsider the vote by which the Senate passed the joint resolution.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a treaty, was communicated to the Senate by Mr. Leonard, one of his secretaries.

## ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## SENATOR SCOTT CALLS FOR REFLECTION ON NATURE OF VIETNAM WAR CRITICISM

Mr. SCOTT. Mr. President, we are all aware, and I know President Nixon is most of all aware that the feeling of the American people is increasingly of the view that our involvement in Vietnam was a tragic mistake. Disillusionment over this war—which must be ended—is admittedly and justifiably great. Again, no person is more aware than the President that six out of 10 Americans, according to one recent poll, think the United States made a mistake in sending troops to fight in Vietnam. The President is acutely aware of this judgment. The American people know how we got into this. They know that the President inherited it as the greatest challenge which he faced, and is facing.

We spent 6 years moving into this war; and the Nixon administration has had only 8 months to move out. The American people recognize that the President is doing all he can in a most difficult situation, which is not being made any easier for him.

Nevertheless public opinion, approving the way the President is handling the quest for peace, according to the above recent poll, has moved up 7 percent—from 45 percent to 52 percent—since mid-September, to a point where it soon may become an even more significant majority. In mid-September 40 percent of the people disapproved of the way the war was being handled. Since that time that figure has dropped to 32 percent. I am certain that the American people will continue to approve the significant moves toward peace by way of deescalation and other avenues, and will continue increasingly to support our President's very real efforts toward peace.

With regard to the October 15 moratorium, I want to make my feelings quite clear. I have expressed my concern that the debate which often ensues from such marches or confrontations takes on the form of an ultimatum, an unwillingness to understand the significance of our deescalation. That type of activity, in the form of demands or arbitrary timetables, has the effect of telling Hanoi that they have nothing to talk about at Paris. It may run counter to our efforts, and the American people's desire to end this war just as quickly as possible. Instead it may well prolong our involvement.

We will take note of the events of October 15. I will listen; I wall watch. The inheritance of this war, this terrible war, should give us all reason to be deeply concerned. Certainly there are reasons which many, many Americans may see as cause to demonstrate peacefully for peace. I understand the frustrations—for 7 long years—which have led up to this event. I have suggested, and I suggest again, that most Americans will want to demonstrate against our true enemy—Hanoi.

I am concerned that this event and the hearings which will follow in the Foreign Relations Committee, will attempt to unload responsibilities for an inherited war on the wrong administration. I am concerned that this moratorium may take on political aspects which high-level debate ought to be careful to avoid at this time.

I am concerned about, and support, constructive debate and suggestions. The President has listened, and is listening, to all sides. But he, and only he, is our prime negotiator. I think the debate must take place in this context. There is every reason to demonstrate concern. No one is more concerned than the President. He knows that this war must end. He has demonstrated his desire for a quick end to the war. He has acted.

So I think it proper to pose a question: to those who will march, to those who would attempt, through, in some cases, political motives, to put the onus on the only President who has begun to move us out of this war:

Which side are you hurting? I think it is proper to ask the 32 percent of the American people who disapprove of our efforts toward peace to reflect on the nature of their criticism. Some of those who disagree feel, of course, that 60,000 troops withdrawn is "tokenism." Some feel this stopping of future draft calls for October and November is "tokenism." The answer to these critics is that there is much to these significant moves toward deescalation. There is a lull, the casualties are down to a 2-year low, the infiltration from North Vietnam is down. These are realities.

Those who speak out in harsh criticism of our present and continuing efforts have no monopoly on the cause of peace. They have no means to help attain that peace. But there is great danger that they may hinder our search for a final and just solution to the war. Every time we are hopeful that diplomatic or military developments toward that peace we all seek are on the horizon, there appears on that horizon statements or activity which lead Hanoi to believe she can wait a little longer; that there is a chance that this Nation will totally surrender. This is a difficulty we must accept to a great degree in an open society involved in confrontation on the battlefield and at the negotiating table with a closed sysem. Hanoi does not have the same problem, and may well misinterpret our free use of our freedom of speech, our American democratic way of debating issues, as a sign that we are weakening. I am quietly asking the American people, the students, my colleagues, to consider whether they are not contributing to Hanoi's misinterpretation. I asked last week for 60 days of quiet and solitude for the President to seek peace. I was not attempting to shut off debate or discourage peaceful demonstrations for peace. But I was asking all concerned—distinguished Senators, Members of the other body, student leaders, and all American people, to stop and think, to consider the effects and the nature of that criticism.

I ask that we be responsible in our discussions, tolerant of our negotiators, and more understanding of the very real problem they face—Hanoi.

It is hardly the time to attempt to embarrass an administration which has done so much more to end this war than previous administrations. Infinite care must be taken so that those who criticize, those who enjoy the right of free speech and demonstration, do not damage the cause for which we all work—an end to this war, with honor, with justice for all sides, and most of all, with all the speed which the situation permits.

We are moving toward peace. I, too, want to move faster; but let us try to understand what is at stake. Let us all reflect, and perhaps, hesitate, before we hasten to add more to the burdens and challenges which President Nixon now faces.

## ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 449.

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

The BILL CLERK. A bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

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

## LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, if the distinguished acting majority leader will yield, I should like to ask him at this time concerning the further order of business for today and thereafter.

Mr. KENNEDY. Mr. President, it is the intention of the leadership, now that the Economic Opportunity Amendments of 1969 have been laid before the Senate and is the pending business; that after it has been disposed of, the Senate proceed, in accordance with the recommendation of the leadership as the distinguished majority leader indicated last Thursday, to the consideration of Senate Joint Resolution 158, the minting of the Eisenhower dollar.

I believe that we will then consider two other measures, S. 1181, and S. 2214 which deal with potatoes. They should be disposed of shortly. That will leave the calendar quite clear.

ORDER OF PROCEDURE

Mr. MURPHY. Mr. President, is it the intention to have or will it be possible to have an agreement that the vote not take place before noon tomorrow? This would give me time to prepare some objections to one section of the bill.

Mr. KENNEDY. Mr. President, I hope that we can make a good beginning on this matter this evening. We could perhaps come in earlier than noon tomorrow.

I think that the determination of when the first vote might come is a matter on which the chairman of the subcommittee (Mr. NELSON) should be consulted. However, I think the request is not unreasonable. I would not suggest that we propound a unanimous-consent request, but I think we could give such assurance, if it were agreeable with the distinguished Senator from Pennsylvania, the minority leader.

Mr. MURPHY. I wish the RECORD to show that I asked that the measure not be taken up at this time because the majority report appeared in my office only a few days ago, at a time when several Members of the majority were out of the city. Inasmuch as it is impossible for me to be in the city beginning at 3 o'clock tomorrow afternoon, I ask that consideration of it be held off.

In order to accommodate the concern for speed which has suddenly arisen on the opposite side of the aisle, I withdraw my objection to bringing up the measure. If there is to be a vote before noon, I ask unanimous consent that my remarks may be made part of the RECORD in the appropriate place.

Mr. KENNEDY. In response to the distinguished Senator from California, I wish to say that the majority leader, the Senator from Montana (Mr. MANSFIELD), announced on Monday, October 6, that the OEO bill would be coming up as soon as reported indicating that perhaps it would be by the end of that week. He reiterated this on Wednesday, October 8. On Thursday, October 9, when it was determined to have no session on Friday, he said it would come up today, if it had been reported by then, and it was in fact reported on Friday.

This was notice to the Members of the Senate, of at least 1 week's standing. Some Senators have changed schedules to be present for this debate, as the schedule had been announced by the majority leader, and on reliance upon that announcement.

It is also relevant that the Appropriation's Subcommittee on Health, Education, and Welfare, of which the chairman is the Senator from Washington (Mr. MAGNUSON), is now preparing to wind up its hearings; therefore, this adds a sense of expedition to Senate consideration of the OEO amendments.

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

Mr. KENNEDY. I yield.

Mr. HOLLAND. I call the Senator's attention to the fact that the two potato bills, so-called, have been on the calendar since September 18, and that the committee and the Senator from Florida have several times requested their consideration. We are ready for their consideration at any time. When does the acting majority leader expect to take up those bills?

Mr. KENNEDY. I think the majority leader, at the suggestion of the distinguished Senator from Florida, indicated that they would be considered, hopefully, in the early part of this week. I would think action would be taken thereon within the next day or two.

The potato bills will be the pending business following the OEO amendments and the Eisenhower coin authorization.

Mr. SCOTT. If the Senator will yield to me, I would like to press a bit for action on the Eisenhower coin measure, which I do not think should take too long. Tomorrow is the late President's birthday, and I have had some discussions with the majority leader in regard to the hope of bringing the measure up at least on or before the late President's birthday; and I was hopeful that we could dispose of it.

I understand the Senator's concern with respect to the potato bills, and we are all concerned in getting them disposed of.

Mr. KENNEDY. I have just indicated to the Senator from Florida that they will be the business following the Eisenhower coin measure.

Mr. HOLLAND. So far as the Senator from Florida is concerned, he certainly supports the Eisenhower measure and would not want to stand in its way. He does call attention to the fact, however, that these two bills have been on the calendar a long time. They both have bipartisan support. They came out of the Committee on Agriculture and Forestry with a unanimous report, and I think they have been held up too long already. I would hope that the acting majority leader would let us have action on these bills at the earliest possible time.

Mr. KENNEDY. I think the question is well taken. I agree with the distinguished Senator from Florida, and I can, again, give him every assurance that after the Eisenhower coin measure, they will be the order of business.

Mr. SCOTT. I would like to point out that on October 9, the Senator from Montana (Mr. MANSFIELD) stated that following the oil compact bill he intended to turn to the Eisenhower dollar, and to take up the OEO matter following that. We have now agreed to lay down the OEO bill, and I would not want the Eisenhower dollar to be further deferred. But I think the potato bills should follow immediately after that.

Mr. KENNEDY. It is the leadership's intention to so proceed.

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

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

Mr. MURPHY. I have not had the question resolved that I asked the acting majority leader. I would like to propose a parliamentary question.

Mr. KENNEDY. As I understand the Senator's request, it is that no votes on the pending measure be taken prior to noon tomorrow.

Mr. MURPHY. That was my request, yes.

Mr. KENNEDY. Let me just say that while it is difficult for the leadership to give any definite assurances on what the Senate will do in any given set of circumstances, if it is agreeable to the Senator from Pennsylvania and the manager of the bill, I think that we could pretty much assure the Senator from California that no votes will be taken prior to noon tomorrow.

Mr. MURPHY. I think the chairman of the subcommittee could give that assurance, if he so desired, and I do not think it is an undue request.

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

Mr. KENNEDY. I yield.

Mr. JAVITS. I will give that assurance to the Senator from California. I am the ranking minority member of the committee, and, if necessary, I will debate the bill until noon tomorrow. So the Senator has his assurance.

Mr. KENNEDY. That is the prerogative of any Member of the Senate; and if the Senator from New York wants to give that assurance, he can do so, as can any other Member of the Senate. I will guarantee there will be no vote before noon tomorrow, even if that means a colloquy with the Senator from New York.

Mr. MURPHY. I thank the Senator.

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

Mr. KENNEDY. I yield.

Mr. SPARKMAN. Mr. President, I want nothing to happen to prevent our consideration of the Eisenhower measure tomorrow, and I will state why.

I received a letter from President Nixon a week or 10 days ago urging us, if we possibly could, to get the bill out of the committee and to the floor of the Senate. He said he hoped that he could sign it into law not later than the 14th. The Committee on Banking and Currency reported the bill immediately after that, and it was placed on the calendar Wednesday or Thursday, and I would hope that we could take it up and dispose of it.

This was originally a part of the coinage bill generally. The Senator from Utah (Mr. BENNETT) and I prepared a joint resolution taking the Eisenhower coinage out of the bill, and that is what will be before the Senate. That is what we are asking for.

The Senator from Montana (Mr. MANSFIELD) told me the other day that the Senator from Colorado (Mr. DOMINICK) was going to offer his substitute on the floor. We discussed it in the committee, but we reported the measure without it. The Senator from Colorado is going to offer it on the floor, and it will come up on Tuesday, which is the late President Eisenhower's birthday. I do, by all means, want to dispose of that matter before the Senate adjourns tomorrow night.

Mr. SCOTT. I hope the Senator from Colorado may be heard on that, but that he would not wish to be heard at too great length, so that we could dispose of it tomorrow.

Mr. DOMINICK. We cannot dispose of it tomorrow, so long as the OEO bill is pending. I made this point to the Senator from Massachusetts earlier. If we could get to the silver dollar measure first tomorrow, we could dispose of it.

Mr. SPARKMAN. Senator DOMINICK told me that he thought an hour would be sufficient for his substitute.

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

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, we are faced with a situation, not a theory.

Mr. President, the Senator from California is exercising the right of any Senator. He is not delaying the bill. He had made other arrangements. We will protect him until tomorrow. There is going to be only a general statement on the OEO bill this afternoon. Why not dispose of the silver bill now?

Mr. DOMINICK. I am not ready.

Mr. JAVITS. I am sorry.

Mr. President, I withdraw that suggestion because the Senator from Colorado informs us he is not ready.

Mr. DOMINICK. I will be ready tomorrow.

Mr. JAVITS. Perhaps we could dispose of it tomorrow if the Senator from Colorado would cooperate to that extent.

Mr. SCOTT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. SCOTT. Mr. President, will the Senator yield to me briefly.

Mr. KENNEDY. I yield.

Mr. SCOTT. Mr. President, I would like to sound out the possibility of our convening tomorrow at 10 o'clock and then proceeding to an agreement for 2 hours debate on the OEO bill, with the vote to occur not later than 12:30 tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, it is the intention of the leadership to have the Senate convene at 10 o'clock tomorrow morning.

Mr. BYRD of West Virginia. Mr. President, may we have order so we can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, I would like to ask the indulgence of the ranking minority member of the Committee on Labor and Public Welfare. It is the intention of the leadership to have the Senate convene at 10 o'clock tomorrow morning to continue the debate on the OEO bill, to make every effort to accommodate the request of the Senator from California, and it is hoped to have votes in the early part of the afternoon. It is my hope we can complete action on the OEO bill tomorrow afternoon. Next we would bring up the Eisenhower coin authorization bill. As we proceed through the day, I wish to indicate to the distinguished minority leader, we certainly want to be accommodating in terms of the birthday anniversary of President Eisenhower. We are hopeful we can complete the business before, but if by mid-afternoon we find we are unable to do so, I can give my assurance to the distinguished minority leader that I will be flexible in its consideration, although it should be remembered that unanimous consent will be required to set the OEO bill aside if it is not concluded. I hope we can finish the OEO bill early in the afternoon.

Mr. SCOTT. Mr. President, I appreciate the statement of the acting majority leader. I would like to take advantage of the suggestion of the acting majority leader that if we find progress to be slow on the bill now pending, we might ask that it be set aside temporarily and take up the Eisenhower dollar, and, of course, accommodate those who have any concern.

Mr. JAVITS. Mr. President, I would not wish by my silence to agree to that arrangement. The Senator from Alabama (Mr. SPARKMAN) and I are under great time pressure, too. In the face of reality, the Senator from Wisconsin (Mr. NELSON) will go ahead; and I will speak on the bill tonight. Let us see how we get along. I will try to work out something to present to our leader, the Senator from Pennsylvania (Mr. SCOTT).

## ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. KENNEDY, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

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

## ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. MONDALE. Mr. President, I ask unanimous consent that Mr. Sidney Johnson be permitted on the floor during the consideration of the OEO bill.

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

Mr. JAVITS. Mr. President, I make the same request for Mr. John Scales.

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

Mr. NELSON. Mr. President, I ask unanimous consent that the professional staff members of the Committee on Labor and Public Welfare be admitted to the Chamber during the consideration of S. 3016, the proposed Economic Opportunity Amendments of 1969.

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

A BROAD CONSENSUS ON EXTENDING OEO

Mr. NELSON. Mr. President, the Labor and Public Welfare Committee has reported to the Senate a truly bipartisan bill to extend the Office of Economic Opportunity through June 30, 1971, as the administration has requested.

This is a responsible and realistic bill, which represents a meeting of minds of widely differing shades of opinion.

Through painstaking work in subcommittee and committee, the differences have been progressively narrowed down to the point where the bill before the Senate today represents a broad consensus, acceptable to many Senators in both the majority and minority, to the broad range of organizations interested in this legislation, and consistent with the goals which the administration has developed itself.

Obviously, a bill which seeks to achieve such a broad base of acceptance cannot be totally satisfactory to any one group. But at the same time, if we are to continue in a responsible way to deal with the problems of poverty which concerns all Senators and which concern the Nation, we must design legislation which can command the support of persons of many different points of view.

This is such legislation. We will outline it in detail to the Senate, and we hope the Senate will then ratify it and send it on to the House.

A 2-YEAR EXTENSION

Briefly summarized, the bill reported to the Senate by the Labor and Public Welfare Committee is a straight 2-year extension of the Office of Economic Opportunity, with no major substantive changes in its programs. It authorizes the budget which the administration requested, program by program, and then proposes modest additional authorizations for eight selected programs, based on testimony before the Subcommitee on Employment, Manpower, and Poverty during our public hearings.

For fiscal 1970, the bill authorizes $2.048 billion as requested by the administration, plus $292.1 million in additional authorizations, for a total of $2.34 billion.

For fiscal 1971, the bill authorizes $2.148 billion plus $584.2 million in additional authorizations, for a total of $2.732 billion.

The administration had requested an open ended authorization for the second of the 2 years, using the phrase "such sums as may be necessary" for the authorization. Senators in both the minority and majority felt that a definite authorization was preferable. Representatives of OEO suggested a basic second year authorization 10 percent higher than the first years, or about $2.253 billion. However, the committee after, careful consideration agreed on the figure of $2.148 billion as a suitable second year basic authorization.

Each of the funding items in the bill has already been the subject of careful negotiation and compromise. There are no "pie in the sky" figures in this bill. Each can be carefully justified, and the Senate can be assured that these funds, if appropriated, can be responsibly and productively spent.

EARMARKING WITH FLEXIBILITY

The bill also steers a careful middle ground between the twin goals of giving the administration administrative flexibility while at the same time preserving the right and the responsibility of the Congress to direct how public funds shall be spent. This, too, was accomplished through careful negotiation and compromise.

The administration would have preferred a simple, lump sum authorization

with no directive from the Congress as to how the money would be allocated within the eight titles of the Economic Opportunity Act. The committee felt that to grant such a lump sum authorization would be to fail to meet the responsibilities of the Congress, and would lead to confusion and uncertainty as to the future of the various programs operated by OEO, by its local agencies, and by other Federal agencies to which it has delegated programs. A lump sum authorization, the committee felt, would make legislative oversight extremely difficult.

The committee resolved this difference by specifically earmarking funds for many of the the successful OEO "special emphasis" programs.

However, for each program, the amount earmarked by the committee is the precise amount which the administration requested in its budget presentation. Any additional authorizations in the bill are handled separately and clearly identified as additions.

Furthermore, in two major areas, the committee's earmarking is so broad as to leave the administration considerable latitude in deciding precisely how the funds shall be allocated. These areas are in community action and in work and training programs, both areas where it seemed desirable to give the administration an authorization ceiling and then let it decide how best to allocate the funds within the various activities operated under that title.

A 15-PERCENT FLEXIBILITY GIVEN

Most important of all, in resolving this matter we combined the earmarking of funds with a new flexibility feature which both the minority and majority in the committee, and representatives of the administration, found to be very desirable.

Under this feature, the Director of OEO is authorized to reduce any earmarked authorization figure by up to 15 percent, and reallocate the funds saved in that manner to any other authorized program within his agency. Furthermore, the director may make a number of such reductions, group the savings together, and allocate them to other authorized programs.

In this manner, for instance, he could greatly increase funds for research, pilot programs and evaluation, an area which the administration has said it wants to emphasize, by reducing other programs by up to 15 percent.

WHAT BILL DOES NOT DO

It might be helpful to discuss some of the things which this bill does not do.

It does not attempt to revoke the reorganization of OEO recently ordered by the President. The committee intends to maintain legislative oversight over OEO and its programs as a part of its continuing responsibilities, but this bill does not seek to deal with the reorganization question.

It does not seek to change any orders which have been issued to delegate OEO programs to other agencies, such as the delegation July 1 of the Job Corps to the Labor Department and the Headstart program to the Department of Health, Education, and Welfare.

It does not seek to restore funds for the Jobs Corps or the Neighborhood Youth Corps programs which were cut by the administration.

It does not preclude or prejudge the welfare reform or comprehensive manpower proposals which the administration recently sent to Congress.

It does not make any major substantive changes in OEO programs, or direct OEO into any major new areas. Programs on alcoholism and drug rehabilitation, already mentioned in the act, are more sharply defined as special emphasis programs, as proposed by Senator DOMINICK and Senator HUGHES, and protection against delegation of the legal services program to another Federal agency is written into the bill. Other than that there are no changes in OEO programs.

In short, this bill is essentially what the administration requested—a 2-year extension of OEO with no major substantive amendments. The principal changes in the bill merely involve funding levels. The administration itself revised the funding levels from previous years; such revisions are inevitable whenever a program is extended and should not be considered substantive changes in the act.

AREAS OF AGREEMENT

As I said at the outset, this bill has been progressively revised, section by section, in an effort to reach the broadest possible consensus.

So far as I know, the only areas of difference remaining among Senators who have participated in discussions on the bill involve the question of how much should be added to the basic administration authorization request for the various programs.

Even these additional authorizations have been repeatedly compromised in committee, so I believe the range of differences is extremely narrow.

We members of the committee who requested the additional authorizations are prepared to justify them here on the floor.

The Senate will, of course, have a further opportunity to review the precise authorizations when the appropriations bill comes to the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. BYRD of West Virginia. Does the bill leave with the Governors of the several States the prerogative of vetoing the list of workers?

Mr. NELSON. We leave the veto power that is in the bill in the hands of the Governor of a State, without change from the current provision.

FIVE YEARS OF OEO

Mr. NELSON. Mr. President, we have now had 5 years of experience with the Office of Economic Opportunity. We all know that this new agency, which was given an extremely difficult task which no other agency had been able to resolve, encountered a great many difficulties in the early years of its life.

Two years ago, our committee made an unusually exhausive review of the OEO, and our committee made quite a few amendments in the act. The benefits of these revisions, and the benefits of 5 years of practical experience, are beginning to be felt in OEO.

The comprehensive audit of OEO, conducted by Comptroller General and the General Accounting Office under a 1967 amendment sponsored by Senator PROUTY, has further increased our understanding of this agency working in this challenging area. The GAO audit will lead to further improvements.

The administration has made an impressive argument in favor of a 2-year extension of OEO.

As the new Director of OEO, Mr. Donald Rumsfeld testified before our subcommittee:

> A 2 year extension, the President believes, will improve the management of this program by allowing longer range planning and making possible more orderly and efficient allocation of funds. It will lead to better recruiting by guaranteeing to those whose talents are needed that the commitment to deal with these problems exists. It should improve the potential for results by insuring the continuity and flexibility that an innovative agency needs. The extension will give greater assurance to those who initiate experiments that even though a particular program may not prove successful, the lessons learned will be put to use, and the larger effort will continue.

Mr. President, I am impressed by the statement, "the lessons learned will be put to use."

I think this is exactly what Congress had in mind for OEO. And of course if the lessons learned are to be put to use, it is important not to terminate worthwhile programs abruptly before they have had a chance to demonstrate their potential.

The new Director of OEO has provided our committee with strong assurances of his desire to strengthen the administration of OEO, and to emphasize research, evaluation, and experimentation.

THE DIMENSIONS OF POVERTY

In assessing the justification of the various funding authorizations contained in this bill, it is helpful to compare the real needs of the Nation with the relatively small number now being served. I think anyone reviewing the testimony as to the needs would come to see this bill as a very modest investment toward helping to correct some of the deepest ills of our society.

For example, the latest figures developed by the Budget Bureau and the Census Bureau tell us that there are 25,400,000 Americans living in poverty. This bill would invest approximately $100 for each such person, and would use the money largely for job training, medical and dental care, remedial education, and legal counseling. It is important to remember that more than 75 percent of this OEO budget goes for the highly acceptable purposes of job training, health, and education.

To cite another example, a total of 667,000 children were served by the Headstart program in 1969. Unless we increase the authorization as proposed in this bill, the number served in 1970 will drop to 488,000 because the administration wants to shift over to more effective—but more costly—year round programs. But experts have testified before our subcommittee that there are about 6 million disadvantaged children who really need the kind of help Headstart can give them.

Mr. PERCY. Mr. President, will the Senator yield for a comment?

Mr. NELSON. Yes; I yield.

Mr. PERCY. I very much appreciate your permitting this interruption. I must leave the floor, but I would not like to do so without commending the committee for the exceptionally fine work that has been done in carefully reviewing the OEO program. The committee has unemotionally looked at the program, the innovations, and the reforms that have been proposed by the administration, and is supporting what I consider to be a well thought-out program.

We know that the war on poverty has been the butt of criticism, some of it justified, because it has been a new program. I think the committee, in supporting the bill, however, has strengthened the war on poverty and its administration. It has demonstrated its dedication to eradicating poverty in this country to the extent we possibly can. It has strengthened the existing programs that have proven themselves of value by transferring, and intending to continue to transfer, these programs and others to agencies that are permanently established to fulfill their purpose thus leaving OEO as the innovative and creative body designed to pioneer and break new ground.

The distinguished chairman has mentioned the Director of the OEO and his appearances before the committee. Mr. Donald Rumsfeld served as Congressman from my district for many years and is a longtime friend of mine. Almost more than any other man in Government, I admire him for taking on this job, for the administrative skill he brings to it, and his sense of dedication.

Those who have criticized him—and there have been some since none of us in public life are free from criticism—I think have not seen him from the standpoint or the vantage point that I see him. I have observed the deep feeling of conviction in Don Rumsfeld needed for carrying forward a program that has now been, well thought through. In its reform features, this program can perform better in the future than it could perform in the past.

Also, I believe we, and OEO are very fortunate to have Mrs. Carol Khosrovi serve as Director of Congressional and Intergovernmental Relations. She has served with the minority whip in the past, with Representative ROBERT TAFT, and with me for 2½ years as my legislative assistant.

Mr. NELSON. Mr. President, let me interject that the committee has been very pleased with the cooperation of Mrs. Khosrovi, who is a very talented person, and very helpful to the committee.

Mr. PERCY. I had fought hard not to lose her, but am pleased that, again, a woman has been placed in a very high position of responsibility.

She is a perfectly amazing person from the standpoint of her knowledge of government, her dedication, her administrative skill, and her soft heart and hard head as she carries these programs through. So I believe administratively we and OEO now have the tops in fine people.

I think Congress can now play a very important role. It is right for us to oversee and criticize, but it is wrong for us not to commend and point out programs that have been successfully executed. I hope that from time to time, in our oversight responsibility, we will give attention to those programs that are being successfully carried forward, because morale within the organization is a very important factor. That is why the 2-year extension, giving a degree of permanency to OEO that it has not had in the past and would not have with a 1-year extension, is extremely important to OEO in attracting good people.

I again commend the committee for the fine work it has done, and pledge my support for this report and for the bill, and any assistance that I can offer in these areas of great need.

Mr. NELSON. In behalf of the committee, I thank the senior Senator from Illinois.

This bill is the result of a good many days of cooperative, bipartisan effort on the part of both the minority and the majority, with each side making substantial and important contributions; and, on the whole, I think it is an excellent bill.

Mr. PERCY. Mr. President, if I might make one further remark. I noticed a comment in a syndicated column recently that the Director of the OEO had refurbished an office. The article gave the impression that the office was now rather elaborate. I believe that statement was based on total misinformation. The offices of the war on poverty are, at least some of them, threadbare. They are certainly not lavish by any standards; and I did want to the opportunity simply to assert that, from my standpoint, there has been no expenditure on behalf of the executive staff that is not fully warranted. Certainly the description that I read and my knowledge of the office that the Director maintains are 180 degrees opposed.

Mr. NELSON. I thank the Senator.

Mr. President, the Follow Through program can serve less than one-fourth of the children eligible for it.

A hunger expert told our subcommittee that there are 15 million chronically hungry or malnourished poor people in America. The emergency food and medical services program in this bill, even if fully funded, would invest slightly over $10 for each of those hungry people, in the hope of bringing them into some established food program, tiding them over an emergency, and accumulating some new knowledge on how to prevent such hunger in the future through better nutrition programs and more nutritious food.

The increased funding we have recommended for the legal services program is described by the American Bar Association as "absolutely the minimum acceptable."

The OEO estimates that 5 million medically indigent women would like family planning assistance. This bill would enable OEO to serve 280,000, and that would bring the number served by all such family planning programs, public and private, to an estimated 750,000—once again, just a fraction of the need.

And you could go through this bill program by program and make similar comparisons. These authorizations are the bare minimum needed to make some impact on a desperate nationwide problem, the minimum needed if we are even to measure the effectiveness of such programs to make intelligent decisions on what to do in the future.

In summary, let me say to the Senate again:

This is moderate, responsible legislation, which has gone through the traditional process of public hearing, debate, discussion, negotiation and compromise. The result is a new bill which will meet the minimum requirements which the administration and the committee have determined to exist.

I hope that the Senate will act promptly on this legislation, and send it over to the House of Representatives.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD at this point, together with tables listing the programs for which funds are earmarked, the amount requested by the administration, and the amount earmarked for each of the 2 fiscal years.

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

TABLE 1.—ECONOMIC OPPORTUNITY ACT BUDGET FOR FISCAL YEARS 1969 AND 1970
OFFICE OF ECONOMIC OPPORTUNITY

[In millions of dollars]

| | Fiscal year 1969 program distribution | Fiscal year 1970 | |
|---|---|---|---|
| | | Johnson budget | President Nixon's budget |
| Title I: | | | |
| Pt. A (Job Corps) | 280.0 | 280.5 | 180.5 |
| Pt. B (work and training) | 632.7 | 721.8 | 709.8 |
| Pt. D (special impact) | 22.0 | 46.0 | 46.0 |
| Title II (community action programs) | 933.0 | 1,032.7 | 1,012.7 |
| Sec. 222(a)(1), Headstart | (322.9) | (338.0) | (338.0) |
| Sec. 222(a)(2), Follow Through | (30.0) | (60.0) | (60.0) |
| Sec. 222(a)(3), legal services | (42.0) | (50.0) | (58.0) |
| Sec. 222(a)(4), comprehensive health services | (54.2) | (90.0) | (80.0) |
| Sec. 222(a)(5), emergency food and medicaid services | (23.5) | (17.0) | (25.0) |
| Sec. 222(a)(6), family planning | (12.6) | (15.0) | (15.0) |
| Sec. 222(a)(7), senior opportunities and services | (4.9) | (3.8) | (8.8) |
| Title III: | | | |
| Pt. A (rural loans) | 6.0 | 12.0 | 12.0 |
| Pt. B (mirgant and seasonal farmworkers) | 27.3 | 34.0 | 34.0 |
| Title VI (administration and corodination) | 15.0 | 16.0 | 16.0 |
| Title VIII (VISTA) | 32.0 | 37.0 | 37.0 |
| Total | 1,948.0 | 2,180.0 | 2,048.0 |

TABLE 2.—PROPOSED "ECONOMIC OPPORTUNITY AMENDMENTS OF 1969" APPROPRIATIONS AUTHORIZED FOR FISCAL YEAR 1970
[In millions of dollars]

| | Fiscal year 1970 allocations based on President's budget (sec. 3(b)) | Fiscal year 1970 additional appropriations authorized (sec. 3(c)) | Fiscal year 1970 total authorization if fully funded |
|---|---|---|---|
| Title I, pts A and B (work and training) | 890.3 | | 890.3 |
| Title I, pt. D (special impact) | 46.0 | 7.0 | 53.0 |
| Title II, Community action programs: | | | |
| Headstart | 338.0 | 120.0 | 458.0 |
| Follow Through | 60.0 | | 60.0 |
| Legal services | 58.0 | 16.0 | 74.0 |
| Health services | 80.0 | 40.0 | 120.0 |
| Emergency food and medical services | 25.0 | 75.0 | 100.0 |
| Family planning | 15.0 | | 15.0 |
| Senior opportunities and services | 8.8 | 1.6 | 10.4 |
| Funds not earmarked | 427.9 | | 412.9 |
| Funds reserved for new programs: | | | |
| Alcoholic counseling and recovery | | (10.0) | 10.0 |
| Drug rehabilitation | | (5.0) | 5.0 |
| Title III, pt. A (rural loans) | 12.0 | | 12.0 |
| Title III, pt. B (migrant and seasonal farmworkers) | 34.0 | 7.5 | 41.5 |
| Title IV, pt. B (day dare projects) | | 25.0 | 25.0 |
| Title VI (administration and coordination) | 16.0 | | 16.0 |
| Title VII (VISTA) | 37.0 | | 37.0 |
| Total | 2,048.0 | 292.1 | 2,340.0 |

TABLE 3.—PROPOSED "ECONOMIC OPPORTUNITY AMENDMENTS OF 1969" APPROPRIATIONS AUTHORIZED FOR FISCAL YEAR 1971
[In millions of dollars]

| | Fiscal year 1970 allocations based on President's budget (sec. 3(b)) | Fiscal year 1971 additional authorized appropriations (sec. 3(c)) | Fiscal year 1971 total authorization if fully funded |
|---|---|---|---|
| Title I, pts. A and B (work and training) | $890.3 | | $890.3 |
| Title I, pt. D (special impact) | 46.0 | $14.0 | 60.0 |
| Title II—Community action programs: | | | |
| Headstart | 338.0 | 240.0 | 578.0 |
| Follow through | 60.0 | | 60.0 |
| Legal services | 58.0 | 32.0 | 90.0 |
| Health services | 80.0 | 80.0 | 160.0 |
| Emergency food and medical services | 25.0 | 150.0 | 175.0 |
| Family planning | 15.0 | | 15.0 |
| Senior opportunities and services | 8.8 | 3.2 | 12.0 |
| Title II funds not earmarked | 427.9 | | 397.9 |
| Funds reserved for new programs: | | | |
| Alcoholic counseling and recovery | | (15.0) | 15.0 |
| Drug rehabilitation | | (15.0) | 15.0 |
| Title III, pt. A (rural loans) | 12.0 | | 12.0 |
| Title III, pt. B (migrant and seasonal farmworkers) | 34.0 | 15.0 | 49.0 |
| Title V, pt. B (day care projects) | | 50.0 | 50.0 |
| Title VI (administration and coordination) | 16.0 | | 16.0 |
| Title VII (VISTA) | 37.0 | | 37.0 |
| Total | 2,048.0 | 584.2 | 2,632.2 |
| Additional unearmarked portion of fiscal year 1971 authorization if fully funded to be used in Director's discretion | | | 100.0 |
| Total | | | 2,732.2 |

## Section-by-Section Analysis of Economic Opportunity Amendments of 1969

### Section 1. Short Title

Section 1 of the bill provides that this legislation may be cited by the short title of "Economic Opportunity Amendments of 1969."

### Section 2. Extension of Economic Opportunity Act

Section 2 extends the duration of the authority of the Director of the Office of Economic Opportunity to carry out programs under the Economic Opportunity Act for 2 years beyond the existing law's expiration date of June 30, 1970.

### Section 3. Authorization of Appropriations

Section 3(a) authorizes appropriations of $2,048 million for fiscal year 1970 and $2,148 million for fiscal year 1971 for carrying out the Economic Opportunity Act. (For authorization of additional appropriations for specified programs, see sec. 3(c).)

Section 3(b) sets forth the basic amounts to be earmarked for specific programs under the Economic Opportunity Act out of appropriations made pursuant to subsection (a). Amounts are earmarked by title or parts thereof; and, in the case of title II, part of the amounts for that title are earmarked with portions to each of the special emphasis programs set forth in section 222(a). For both fiscal years 1970 and 1971, the same amounts are earmarked for each of the items each year. (The amounts earmarked add up to a total of $2,048 million, earmarked for each of the 2 fiscal years. With respect to fiscal year 1971, this would leave $100 million unearmarked if the appropriations authorization of $2,148 million is fully funded.)

If the sums appropriated fall short of the total ($2,048 million) necessary to fund fully each earmarked category, then the amounts specified for each item must be prorated by reducing ratably each of the amounts.

All of the bill's provisions with respect to earmarking are subject to section 616 of the Economic Opportunity Act, which (as amended by section 4 of the bill, described below) authorizes up to 15 percent of the funds earmarked for any category to be transferred to any other program or activity under the Economic Opportunity Act.

Following are the amounts which subsection (b) earmarks for the various purposes of the Economic Opportunity Act.

(1) $890,300,000 for parts A and B of title I (work and training programs).

(2) $46 million for part D of title I (special impact programs).

(3) $1,012,700,000 for title II (urban and rural community action programs), of which $338 million shall be for the Project Headstart program, $60 million for the follow through program, $58 million for the legal services program, $80 million for the comprehensive health services program, $25 million for the emergency food and medical services program, $15 million for the family planning program, and $8,800,000 for the senior opportunities and services program.

(4) $12 million for part A of title III (rural loan programs).

(5) $34 million for part B of title III (assistance for migrant, and other seasonally employed farmworkers and their families).

(6) $16 million for title VI (administration and coordination).

(7) $37 million for title VIII (domestic volunteer service programs—VISTA).

Section 3(c) authorizes these additional appropriations (over and above appropriations authorized above) for specified programs under the Economic Opportunity Act.

(1) $7 million for fiscal year 1970, and $14 million for fiscal year 1971, for special impact programs (title I–D).

(2) $120 million for fiscal year 1970, and $240 million for fiscal year 1971, for Project Headstart.

(3) $16 million for fiscal year 1970, and $32 million for fiscal year 1971, for legal services.

(4) $40,000,000 for fiscal year 1970, and $80,000,000 for fiscal year 1971, for comprehensive health services.

(5) $75,000,000 for fiscal year 1970, and $150,000,000 for fiscal year 1971, for emergency food and medical services.

(6) $1,600,000 for fiscal year 1970, and $3,200,000 for fiscal year 1971, for senior opportunities and services.

(7) $7,500,000 for fiscal year 1970, and $15,000,000 for fiscal year 1971, for assistance for migrant and seasonal farmworkers (title III–B).

(8) $25,000,000 for fiscal year 1970, and $50,000,000 for fiscal year 1971, for day care projects (title V–B).

### Section 4. Amendment to Provide Increased Flexibility in Use of Funds

Section 616 of the Economic Opportunity Act provides that, notwithstanding any limitation on appropriations for any program or activity under this act or any act authorizing appropriations for such program or activity, up to 10 percent of the amount appropriated, or allocated from any appropriation, to carry out any such program may be transferred to be used in carrying out any other program or activity under the act.

Clause (1) of section 4 of the bill would amend the above-described provisions by increasing the percentage which may be transferred from 10 to 15 percent of the allocation for any program.

In addition, clause (2) of section 4 of the bill would remove the existing law's restriction which prevents the transfer of funds to other programs in such a manner as to result in increasing by more than 10 percent the amounts otherwise available for any program or activity.

### Section 5. Adequate Leadtime

Section 5(a) amends the Economic Opportunity Act to provide for advance funding of programs under the Economic Opportunity Act by authorizing the inclusion of the appropriation for a particular fiscal year in the appropriation act for the preceding fiscal year.

Subsection (b) of section 5 of the bill makes clear that, in the transition from the present funding pattern to the advance funding pattern, the amendment made by subsection (a) (as described above) is applica-

ble even though during the first year of the changeover the appropriation bill or bills may contain two separate appropriations—one for the then current fiscal year as well as another making the advance appropriation for the succeeding fiscal year.

SECTION 6. PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

Section 6 adds language to section 222 (a) (1) of the act to provide that persons who are not members of low-income families may be permitted to receive services in Headstart projects. That provision would be implemented pursuant to regulations prescribed by the Director. The amendment further provides that, where a family's income is, or becomes through employment or otherwise, such as to make payment appropriate, a family which is not low income may be required to make payment, in whole or in part, for services provided in a Headstart project.

SECTION 7. TECHNICAL AMENDMENT REGARDING OBLIGATION OF APPROPRIATIONS

Section 7(a) contains a technical amendment to the Economic Opportunity Act to make clear that a proposed contract, agreement, grant, loan, or other assistance under the act shall be obligated, if finally approved, out of the appropriation for the fiscal year current at the beginning of the 30-day period afforded the Governor for his consideration, rather than at the end of the review period.

Subsection (b) confirms past practice in accordance with the above-described amendment.

SECTION 8. NEW SPECIAL EMPHASIS PROGRAMS AUTHORIZED

Section 8 amends section 222(a) of the Economic Opportunity Act by adding two new programs:

The proposed new paragraph (8) establishes an "Alcoholic Counseling and Recovery" program designed to discover and treat the disease of alcoholism. The program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic.

The Director shall reserve and make available for carrying out the Alcoholic Counseling and Recovery program not less than $10 million for fiscal year 1970 and not less than $15 million for fiscal year 1971 out of the sums appropriated, or allocated from appropriations, for title II of the Economic Opportunity Act.

The proposed new paragraph (9) establishes a "Drug Rehabilitation" program designed to discover the causes of drug abuse and addiction, to treat narcotic and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants, such as amphetamines, depressants, marihuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize their reentry into society rather than their institutionalization.

The Director shall reserve and make available for carrying out the Drug Rehabilitation program not less than $5 million for fiscal year 1970 and not less than $15 million for fiscal year 1971 out of the sums appropriated, or allocated from appropriations, for title II of the Economic Opportunity Act.

SECTION 9. AMENDMENT WITH RESPECT TO DIRECTOR'S AUTHORITY TO DELEGATE FUNCTIONS

Section 9 provides that the authority of section 602(d) of the Economic Opportunity Act (authorizing delegation of the Director's powers to the heads of other Federal agencies) shall not apply to the legal services program authorized under section 222(a)(3) of such act. Section 9 further provides that the Director of the Office of Economic Opportunity shall not delegate the legal services program to any other existing Federal agency.

SECTION 10. CREDITING SERVICE OF A VISTA VOLUNTEER

Section 10(a) of the bill amends subsections (b) and (j) of section 8332 of title 5, United States Code, to provide that, if a person who has been a VISTA volunteer later becomes a Government employee subject to civil service retirement, the period of service as a VISTA volunteer shall be credited (i.e., the time is credited if the employee pays into the fund to cover such period).

Section 10(b) amends section 833 of the Economic Opportunity Act by adding a new subsection providing that any period of service as a VISTA volunteer shall be credited in the same manner as civilian employment by the U.S. Government for subsequent service to which the Foreign Service and civil service retirement systems are applicable, and, except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the Civil Service and Foreign Service laws.

Section 10(c) provides that amendments made by this section shall be effective as to all former volunteers employed by the U.S. Government on or after the effective date of this legislation.

SECTION 11. AUDIT REQUIREMENT

Section 11 of the bill amends section 243 of the Economic Opportunity Act for adding a new subsection providing that the Comptroller General of the United States or his representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the financial assistance received by any agency under title II of the act.

SECTION 12. USE OF CLOSED JOB CORPS CENTERS FOR SPECIAL YOUTH PROGRAM

Section 12(a) provides that the Director of the Office of Economic Opportunity shall establish procedures and make arrangements designed to assure that facilities and equipment at closed Job Corps centers will be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations for special youth programs.

Such agency must have satisfactory arrangements for utilizing the facilities and equipment for conducting programs, especially for low-income disadvantaged youth, such as the following examples: Special remedial programs; summer youth programs; exemplary vocational preparation and training programs; cultural enrichment programs, including music, the arts, and the humanities; training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and youth conservation work and other conservation programs.

Subsection (b) provides that the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administration of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor, to achieve the objectives of this section.

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

Mr. NELSON. I yield.

Mr. MONDALE. As a majority member of the Committee on Labor and Public Welfare and the Subcommittee on Poverty and Manpower, I know I speak for all of the members on our side of the table when I express our appreciation to the distinguished Senator from Wisconsin for the remarkable way in which he conducted the hearings and developed the legislation which enjoys such broad bipartisan support here today. I think the committee bill advances the objectives underlying the Economic Opportunity Act objectives which we continue to work for, and hopefully achieve. To achieve these objectives we are acting on this measure today and hopefully will pass it tomorrow. I wish personally to join other Senators in commending the Senator from Wisconsin for his gifted and creative leadership.

Mr. President, I rise to express my support for S. 3016, a bill reported by the Senate Labor and Public Welfare Committee to extend the Office of Economic Opportunity. This bill, which extends the authorizations for the Economic Opportunity Act for 2 years, and provides increased funds for its most successful programs, will strengthen and improve desperately needed antipoverty efforts. It provides the administration with substantially increased flexibility, and with the 2 year extension it requested, while authorizing modest, yet vitally needed increased funding for programs such as Headstart, legal services, comprehensive health services, and emergency food and medical services.

The need for this legislation was graphically portrayed by witness after witness testifying before the Subcommittee on Employment, Manpower, and Poverty, and is perhaps best summarized in the following passage from the report of the Committee on Labor and Public Welfare on this bill:

> Despite the apparent affluence of the Nation as a whole, poverty, and the social problems which go with it, remains a deeply serious problem in America and demands the urgent attention of the federal government. . . . Although there are (and perhaps always will be) differences of opinion as to the precise manner in which to attack the problems of poverty, there is almost universal agreement that vigorous governmental action is needed, and that substantial resources must be committed to the fight.

While other problems and other programs such as the war in Vietnam, inflation, and the moonshot compete for the Nation's attention and the Nation's resources, we cannot afford to ignore the problems of poverty. Although important progress has been made in recent years, over 25 million Americans are still mired in poverty and deprivation. Our country simply cannot tolerate this tremendous destruction and waste of human resources. We need to invest more into efforts to prevent and remedy the conditions of malnutrition, cultural deprivation, financial need, ill health, that plague the poverty stricken. I believe that S. 3016 will strengthen and improve our efforts to eradicate poverty in America, and I ask my colleagues to support it.

The committee bill adopts President Nixon's budget proposals for OEO and then adds additional funds for Head-

start, legal services, comprehensive health services, emergency food and medical services, migrant and seasonal farmworker programs, senior opportunities, day care, and special impact programs. I support the increased authorizations for all these programs, and would like to discuss several of them in particular.

HEADSTART

In addition to the $338 million requested by President Nixon for Project Headstart, the committee bill adds a $120 million extra authorization for fiscal year 1970 and a $240 million extra authorization for fiscal year 1971.

The need for these immediate yet modest authorization increases for Headstart became evident during recent hearings which the Employment, Manpower, and Poverty Subcommittee held on S. 2060, a bill I introduced entitled "The Headstart Child Development Act of 1969." These hearings revealed the crucial effects of the first years of life, the ways poverty and deprivation can prevent children from reaching their full potential, and the effectiveness of Project Headstart and other early childhood programs which provide health care, nutritional aid and education stimulation to impoverished children. They clearly indicated that while we may not have discovered all the solutions to all early childhood problems, we do know how to prevent a great deal of nutritional, health, and intellectual damage from occurring.

During these hearings the subcommittee learned about the effectiveness of current Headstart efforts, and about the administration's plans to substitute full year Headstart programs for many of the summer Headstart programs which are currently being funded. The hearings further revealed the pilot-like nature of the Headstart program. It became evident from testimony presented that Headstart is barely scratching the surface of need by serving only about 10 percent of the 6 million disadvantaged children under age 6 who should be offered Headstart opportunities.

In its congressional presentation, further supported by the administration's testimony on S. 2060, OEO said:

> Evaluative evidence gathered so far suggests that full year programs are more effective than summer in fostering sustained developmental gains.

On the basis of this knowledge, the administration proposes, and I strongly support, plans to substitute full year Headstart programs for many of the summer Headstart programs currently being funded. This proposal is based at least in part on one of the major recommendations of the Westinghouse Learning Corp.'s study on Headstart effectiveness. That recommendation states that summer programs "should be phased out as early as feasible and converted into full year or extended year programs."

However, because Headstart programs cost approximately $800 more per child than summer programs, if this substitution occurs without increasing the budget, a sustantial reduction in Headstart opportunities will be required. The administration estimated, for example, that approximately 180,000 fewer Headstart opportunities would be available during fiscal year 1970 if conversion progresses as they expect and if no more funds are provided.

The committee concluded that a cutback in the number of children served by this program cannot be justified. Increased authorizations recommended by the committee are designed to permit the conversion of summer programs to full year programs to occur without requiring a decrease in the number of children served. I strongly urge my colleagues in the Senate to retain this very important provision, and then work with me to gain the necessary appropriations so that Headstart program is not cut back any further.

Mr. President, I think it will be observed that this is a modest objective. We are not asking that the number of children being served by Headstart be increased at all. We are simply struggling to keep the same number within the program. Despite the admitted and unargued need for a program that reaches some 6 million children who are estimated to be disadvantaged, this program, even with the increased authorization, would reach only about 600,000 children in this country.

I applaud President Nixon for helping to draw national attention to the critical importance of the first 5 years of life by pointing out that most of our institutions do little or nothing to furnish nutritional, educational, cultural, health, or any other kind of assistance to children who are in their most formative years of life.

Thousands and perhaps millions of American children now start school in the kindergarten or the first grade so far behind that they will never catch up or have a chance for a meaningful life.

If we really want to defeat poverty, reduce welfare loads, bring assistance to those who are poverty stricken, and afford an equal opportunity for all Americans, as we have said so often, we must begin a real effort in the first 5 years of life and give every child a real chance.

We are not doing so today. Fortunately, there are long overdue efforts, of which Headstart is one, to begin to do this. Surely this is no time to roll back our efforts and reduce the number of children being served.

I hope, therefore, that the increased authorization recommended by the committee will be adopted and will be matched by full funding so that we may sustain the effort now underway with the current number of children being served.

Mr. President, I would like to turn now to the legal services recommendations contained in the pending legislation.

LEGAL SERVICES

In addition to the $58 million requested by the administration for legal services, the committee bill adds an extra $16 million authorization for fiscal year 1970 and an extra $32 million authorization for fiscal year 1971.

I believe it is extremely important that the legal services program—perhaps the most successful of the OEO programs—be improved and strengthened. The American Bar Association, the National Bar Association, and the National Legal Aid and Defender Association have stated in testimony before the subcommittee in regard to the need for increased authorizations for legal services that "it has been and remains our opinion that a level of $90 million is necessary to meet the immediate need for legal services."

The committee report discussing these increased authorizations reveals very clearly the need for an expanded program. It notes, for example, estimates that only 15 percent of the poor have access to legal services' or VISTA's lawyers, and that many of the country's metropolitan areas have no organized legal aid services. It shows, moreover, that last year OEO received applications from over 100 communities, totaling $40 million, for new legal services programs which it had to turn down for lack of funds. I urge the Senate to retain these authorization increases for legal services so that the work of this program can be expanded and improved, and so that the Council on Legal Education Opportunity can receive more adequate funding for its programs designed to make available to disadvantaged students opportunities for law study and to facilitate their entry into the legal profession.

One of the remarkable efforts we have in this country today is that being undertaken by the American Association of Law Schools in cooperation with the American Bar Association to expand OEO legal services, to maintain and insure its integrity, and to bring into play the remarkable abilities and qualities of American law schools and their faculties to make legal representation for the poor a reality.

The attitude and the spirit of this effort is perhaps best summarized in the committee report on pages 19 and 20. It is a statement by Mr. John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defendants. He said this:

> I think one of the very important concepts of the legal services program, Mr. Chairman, is the idea of broad services to the poor. We are trying to convince the poor that in these legal services offices they have a true advocate who will take on anyone who opposes them and who picks on them unjustifiably. That includes everybody from the corner merchandise house that sells a shoddy TV, to General Motors, if necessary. It includes everybody from the welfare case worker who makes an unlawful recommendation to discontinue benefits to the Department of Health, Education, and Welfare itself, if necessary.
>
> I think this is terribly important. *I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society.* We know from documented reports by various presidential commissions and by hearings that you yourself have participated in *that the poor by and large have little confidence in our society, in its structure, in its institution, in lawyers, in the law, in the court system and as a result, when their own rights are not honored it is not too surprising I think that they riot in the streets and that there is violence on our campuses.* (Italic supplied.)
>
> What we are trying to do in this program is to have a peaceful vehicle where these disputes can be taken from the strife torn campuses in the streets and the fire and burnings that are taking place and give these people a peaceful forum in which the grievances that they have against society can

be aired, where their position can be set forth and where nobody can interfere with that lawyer's sole obligation to represent his client, not a local city, not a local unsympathetic mayor who may not believe in their cause and not an unsympathetic chief executive of a State government.

Mr. President, these are the words of the official representative of the American Bar Association. I congratulate him, and I congratulate the American Bar Association for its spirited and inspired advocacy of the size, the integrity, and the spirit of the program.

Mr. DOLE. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I am glad to yield for a question.

Mr. DOLE. I am sorry that I have not heard all the remarks of the Senator from Minnesota, but I am wondering if he knows what percentage of the money in this program is used to pay attorney's fees in divorce cases and separate maintenance cases?

Mr. MONDALE. We had extensive hearings. I would have to check the record to see if it specifies the percentages in that area. I do not know.

Mr. DOLE. The point I make is that much of what the Senator from Minnesota has said is true. The lawyers perform a very specific service. But in effect we have the Federal Government subsidizing home wrecking. I think in some States it is very high. We have had 70 to 80 percent of the funds used for divorce cases and separate maintenance cases. So we had the Federal Government involved not in keeping people together but in breaking up families. I am wondering if this is the purpose of the program.

Mr. MONDALE. Is the Senator's question whether the purpose of the act is to break up families?

Mr. DOLE. The legal services portion, yes.

Mr. MONDALE. If that is the main purpose?

Mr. DOLE. I am asking the Senator the question because we subsidize lawyers to file divorce cases; and I recognize that in some instances, in order to get support, it is necessary to file a case for divorce or separate maintenance. While the Senator is lauding the program, I think it is well to point out that it is not quite all that rosy.

Mr. MONDALE. I think there are a few programs which have inspired the support of the public at large and of both political parties more than the OEO legal services.

Mr. DOLE. I know the lawyers like it.

Mr. MONDALE. I point out to the Senator that this is one of the few programs which the President, himself, asked to be increased in the budget which he sent to Congress. He asked for a $16 million increase in the budget for legal services.

The American Bar Association, which is not known as an extreme left wing, anarchical, or socialist organization interested in breaking up homes, sent this letter today, and I should like to read it to the Senator from Kansas:

DEAR SENATOR MONDALE. In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions regarding possible conflict of interest might arise. These provisions are consistent with the positions of the ABA and NLADA.

The American Bar Association has consistently opposed amendments to the Economic Opportunity Act which would restrict the independence of legal services lawyers providing a full range—

I emphasize that.

of legal services to the poor. In appropriate cases, such services might involve legal action against government agencies in seeking significant institutional change, commonly described as law reform. We should not deny to the poor access to the courts in any legitimate area affecting their interests.

I emphasize that.

I do not want to stand on the floor of the Senate and advocate divorce, but it is a rather common aspect in the normal litigation of the courts. The American Bar Association has said:

We should not deny to the poor access to the courts in any legitimate area affecting their interests.

They conclude:

I hope you will oppose any amendments to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures or otherwise restrict the range or scope of cases in which poverty lawyers may represent the poor.

Sincerely yours,

BERNARD G. SEGAL.

Mr. Segal is the president of the American Bar Association.

Mr. President, if this country and its institutions, including the U.S. Government, are to have any credibility with the poor, surely we must begin with the principles of our system of justice. Our court systems and our laws should mean the same to all people, rich or poor. All citizens should have the same chance to have their cases advocated independently and fully, regardless of their capacity to pay for a lawyer. This is true not only in terms of personal, individual litigation which directly affects the health and the future of a family, but also in terms of law reform.

I was pleased when I asked Mr. Rumsfeld, the Director of the Office of Economic Opportunity, whether he agreed with the OEO legal services programs as they affect law reform. He said this, as set forth in the hearings on his nomination, at page 28:

Mr. RUMSFELD. As you know, I support the legal services program. I am pleased with the recommended increase. I also agree with you when you suggest that there have been and will be instances where, by providing proper legal service for the poor, suits may result which might involve, for example, the Federal, State or local government if in fact the attitude of the individuals involved in this suit is that level of Government has not been responsive and has not been fulfilling its statutory obligations.

That can be controversial. In my judgment that does not make it bad. In fact, there are many of our institutions that are not perfectly responsive to the needs of the individuals they serve, and that they go through a process continuously of change. This might be one of the kinds of things that might help an agency of the Federal Government to recognize that what they are doing in fact at the point of contact does not compare with what they thought they were doing.

Mr. President, I ask unanimous consent that the letter from the president of the American Bar Association, to which I referred earlier, be printed at this point in the RECORD.

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

AMERICAN BAR ASSOCIATION,
*Washington, D.C., October 13, 1969.*

Hon. WALTER MONDALE,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MONDALE: In behalf of the American Bar Association and its affiliate, the National Legal Aid and Defender Association, I strongly urge the passage of S. 3016 as reported by the Committee on Labor and Public Welfare. The bill provides a significant increase in the authorization for the program for legal services to the poor and recognizes the unique character of the program's mission in prohibiting delegation to any existing Federal agency where serious questions regarding possible conflict of interest might arise. These provisions are consistent with the positions of the ABA and NLADA.

The American Bar Association has consistently opposed amendments to the Economic Opportunity Act which would restrict the independence of legal services lawyers providing a full range of legal services to the poor. In appropriate cases, such services might involve legal action against government agencies in seeking significant institutional change, commonly described as law reform. We should not deny to the poor access to the courts in any legitimate area affecting their interests.

I hope you will oppose any amendments to S. 3016 which would result in exposing legal services lawyers to inhibiting political pressures or otherwise restrict the range or scope of cases in which poverty lawyers may represent the poor.

Sincerely yours,

BERNARD G. SEGAL.

Mr. MONDALE. Mr. President, this is not the time, it seems to me, to go into detail about the most impressive OEO program which is being undertaken today by the law schools of this country. I would simply ask unanimous consent that as this point a review of the COEO programs, as set forth in the committee report, be printed in this point in the RECORD.

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

The committee has heard excellent testimony about the work of the Council on Legal Education Opportunity, called "CLEO." CLEO is conducting programs designed to make available to disadvantaged students opportunities for law study and to facilitate the entry into the legal profession of members of disadvantaged groups. This will increase the availability of legal services to the poor by members of those groups. The committee is very impressed with these efforts, and feels that it would be highly appropriate for the Office of Economic Opportunity to continue supporting the summer remedial institutes and to begin exercising its existing authority to help the students meet the costs of the subsequent phases of their studies. Part of the reason the committee earmarked and increased authorizations for the legal service program was to make additional funding available for these purposes. The committee believes, therefore, that a portion of any increased appropriations for legal services should be used for CLEO.

Mr. MONDALE. Mr. President, of equal importance to the integrity and effectiveness of the legal services program is the provision of the committee bill which would prohibit delegation of legal services from OEO to any existing Federal agency or department. This nondelegability provision is based on the committee's conclusion that legal services' attorneys must be free to represent their clients in actions against Government agencies, and that by retaining legal services in OEO possible conflict-of-interest problems and constraints are held at a minimum.

As the committee report indicates, the idea of the delegation of legal services to the Department of Health, Education, and Welfare or the Department of Justice presents grave conflict of interest possibilities. The American Bar Association, the National Legal Aid and Defender Association have urged the administration to retain legal services in OEO in order to assure the professional quality and independence of the program. The committee bill would assure this independence, and I hope the Senate will retain this nondelegability provision in the bill.

The administration says it has no intention of delegating these OEO legal services into any other existing agencies and this provision merely ratifies the current policy of the administration.

Mr. President, I would now like to turn to the migratory labor provision of the act.

MIGRATORY LABOR

In addition to the $34 million requested by the administration for migrant and seasonal farmworker programs under title III–B of the Economic Opportunity Act, the committee adds $7.5 million for fiscal year 1970 and $15 million for fiscal year 1971.

The story of migrant and seasonal farmworker exclusion from most Government programs is known too well. It is documented in the committee report. Title III–B of the Economic Opportunity Act is one of the promising Government programs providing assistance to migrant workers, yet it reaches barely 20 percent of the 1 million migrant farmworkers and their families.

The work of the Subcommittee on Migratory Labor, which I am privileged to chair, has indicated the need for strengthened programs for migrant and seasonal farmworkers, particularly for programs focusing on reemployment, readjustment, and resettlement attempts by migrant workers who face job displacement in the future. I am hopeful the Senate will retain this needed authorization increase for title III–B, and work for adequate funding of this program during the appropriations process.

EMERGENCY FOOD AND MEDICAL SERVICE

Mr. President, I have had an opportunity to visit many migrant camps in Texas, Florida, California, in my own State, and elsewhere. I had an opportunity over the last year to hold extensive hearings on the conditions of the migratory labor force of this country. I do not think any section of our society works harder and receives less in pay and security than does the migratory work force of this country. One of the few things this country has done to be of minimal assistance is the funding under section 3(b) for programs of assistance for migrant and seasonal farmworkers. It is a modest program and surely inflation dictates improvement in the funding level of the 3(b) program. The authorization increase not enough but it continues some progress and momentum in this most important program which is often overlooked but for which there is profound and compelling need.

Mr. President, another very important improvement in this measure is to increase funding for the emergency food and medical services program. The committee bill adds $75 million to the administration's $25 million request for this program for fiscal year 1970, and an additional $150 million for fiscal year 1971.

This program is desperately needed. The President has wisely pointed to the widespread hunger and malnutrition in this country, and it is a national disgrace.

We have agreed to legislation in the Senate which needs to be passed by the House of Representatives, and needs to be funded, to make a substantial step forward in meeting the problems of malnourishment in this country. I am glad we took that step but all of these programs depend on the existence of workers to help find and bring food assistance to the poor. Those who need help most are the last ones who receive help. They are the aged who suffer in silence, the mentally ill, the disabled, the people who have been so suppressed and denied that they are disoriented and unable to state their cases. They are the ones who lead what might be called a shadow life.

We have seen how the present programs work. Although we have had food stamps for years, seven States still have no food stamp program, 400 counties still have no food stamp program, and of the 1,140 counties that do have a food stamp program, over 700 of them have only token programs which deliver food stamp assistance to fewer than 20 percent of those who need food assistance.

We have had some experience with outreach programs under the emergency food programs which shows that where there is an ability and a commitment to find and qualify persons who need food stamp assistance, that the percentage of those participating rises dramatically. Without that help, even with a good theoretical national program, it remains a token effort at feeding the hungry.

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## LEADERSHIP OF PRESIDENT CHUNG HEE PARK IN THE REPUBLIC OF SOUTH KOREA

Mr. MILLER. Mr. President, an excellent article by columnist Jack Anderson appears in today's Washington Post on the Korean situation.

He points out that President Chung Hee Park has led the Republic of South Korea to a remarkable economic expansion rate, which last year was second only to that of Japan.

Under his leadership, moreover, South Korea has attained one of the finest armies in Asia; and the two ROK divisions which have been fighting side by side with United States and South Vietnamese ground forces against the Communist aggressors from North Vietnam have acquitted themselves most capably and with great honor.

When I first met President Park nearly 4 years ago, during my visit to our military forces in South Korea, I was especially impressed by his realism and his dedication to a just and lasting peace in the Far East. He, along with President Marcos of the Philippines, exercised great leadership in calling the Manila Conference of the seven nations fighting as allies in South Vietnam—a conference which held out hope that all peace-loving nations of the Far East would some day join together to secure a just and lasting peace.

Meanwhile, however, the warlike attitude of the leaders of North Korea has, as in the case of the intransigience of the leaders of North Vietnam, continued to prevent peace-loving peoples from living in peace. President Park's realism has kept the people of his country alert to the dangers of renewed Communist aggression, while, at the same time, they have moved steadily ahead toward the goal of good government and economic self-sufficiency. In fact, upon my return to the United States in 1966, I pointed out that South Vietnam could, indeed, have a bright future after Communist aggression had been stopped, and I pointed to South Korea as an example of why such optimism was justified.

It requires strong and imaginative leadership to inspire a people, recovering from a costly war and invasion of their homeland and threatened by a renewal of more of the same tragedy, and to cause them to lift themselves up by their own hard work and dedication. That leadership President Park has brought to his people. I know many of us, who have had an opportunity to witness what it has meant, hope that it will be continued.

I ask unanimous consent that the article, "New North Korean Move Hinted," be printed in the RECORD.

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

NEW NORTH KOREAN MOVE HINTED

(By Jack Anderson)

TOKYO.—While world attention is riveted on Hanoi, Americans in Asia are keeping a wary watch also on remote Pyongyang, where North Korea's obstreperous Kim Il Sung no doubt is planning some new humiliation for the United States.

Intelligence estimates warn that, even now, he is probably preparing a new provocation. The next incident, indeed, may be more serious than anything he has pulled in the past—perhaps the slaughtering of a few hundred American GI's in their beds at one of the base camps near the DMZ.

Such an outrage not only is possible but probable, in the view of those who study the intelligence that leaks out of Kim's tight little dictatorship.

His aim, they say, is to pressure the U.S. to pull its forces out of South Korea and to organize a Vietnam-style uprising against the Seoul government. As in Vietnam, the resistance would be waged in the name of freedom and democracy, complete with a liberation front made up of non-Communist figureheads.

Once the liberation front takes over the South, if Kim's strategy can be implemented, "peaceful unification" of the country would

be negotiated between Pyongyang and Seoul. This would be followed, of course, by the communization of Korea.

TWO-BIT MAO

Kim Il Sung is a moonfaced, bush-league Mao Tse-tung, who has imposed a ruthless Communist rule upon his bleak, mountain citadel. Every time he can get away with humiliating the U.S., it magnifies his importance in world eyes.

The continuing incidents also have the strategic purpose of making the American presence in South Korea as painful as possible, thus bringing pressure upon Washington to pull out. His calculated strategy, say the analysts, is to stage harassments that will cause the U.S. maximum embarrassment without provoking military retaliation.

After the seizure of the spy ship Pueblo, the U.S. command took elaborate precautions to prevent another incident. But the calculating Kim easily downed an EC–121 spy plane on one of its milk-run missions when he was ready to tweak Uncle Sam's whiskers again.

Frantic new precautions have been taken, but intelligence experts warn that he probably has another outrage ready to spring whenever the timing is right. The only question, in their opinion, is how President Nixon will respond. If he lives up to the bold words of his campaign—when he implied that he would never as President endure a Pueblo humiliation—there could be serious fighting again in Korea.

KIM'S REVOLUTION

Kim Il Sung is encountering considerable difficulty, meanwhile, fomenting revolution in the South. He has trained 39,200 guerillas, by U.S. intelligence count, in the subversive skills necessary to mount a resistance movement across the 38th Parallel. They belong to elite North Korean military units, such as the 124th Army unit, 283d Army unit, Foot Reconnaissance Army unit, 17th Reconnaissance Brigade and Guerilla Guidance unit.

As fast as they have infiltrated into South Korea, however, they have been killed and captured by alert border and coastal patrols. An intelligence report estimates that "over 85 per cent of their separate infiltration attempts" have failed.

The report warns, however, that "one alternative course of action they may resort to in the future is simultaneous multiple strikes at the major installations in coastal areas by large-size teams, when the political developments in ROK (Republic of Korea) seem to be favorable to them."

Their purpose, according to the report, would be "to create maximum social disorder."

To whip up a Vietnam-style revolution in South Korea, however, the Communists really require a Saigon-style government in Seoul. The heartening fact is that the Seoul government is strong, stable and, aside from a small vocal minority, popular.

Under President Chung Hee Park, the once-backward South Korea has achieved a remarkable economic expansion rate which last year was second only to Japan of the world's 130 nations. He has set a personal example of austerity to encourage his people to pull themselves up by their sandal straps.

KOREANS IN VIETNAM

At the same time, he has fashioned one of the finest armies in Asia. Few American units have been more rugged in combat than the two divisions he has sent to Vietnam. He has indicated privately, by the way, that he is willing to leave his South Koreans in Vietnam to help facilitate the American withdrawal.

It is hardly surprising, therefore, that the North Korean dictator is eager to expedite Park's departure from the Seoul government. Because of the Communist threat, Park has been persuaded to seek a third term. This requires a constitutional amendment, which is now grinding through the democratic processes. The final decision will be up to the South Korean people who will vote on the issue in a few days.

Kim has been bombarding South Korea with radio appeals calling upon the people to thwart the constitutional bid.

"It is inevitable," cries Radio Pyongyang, "for students and youth in the South to engage in the struggle against the plot of the government for prolonged political power."

"The people of the South," screamed another typical broadcast from the North, "can put an end to the plot of the constitutional amendment and overthrow the lackey of American colonialism only by means of force."

Backing up his words, Kim has also sent infiltrators into the South to stir up the people against the constitutional amendment. The North Korean efforts, however, are more likely to increase rather than decrease the vote for the controversial constitutional amendment.

## BROOKLYN, IOWA—A TYPICAL SMALL TOWN

Mr. MILLER. Mr. President, what is a small town?

It is where human values are to be found—and appreciated.

It is where, in the words of one historian:

"To be an American is almost a moral condition."

It is where human relationships, with their warmth, their agonies, their cohesiveness, still exist.

It is where the sources of spiritual energy still flow.

It is where the importance of knowing, trusting, and helping your neighbor is a way of life.

A small town is people, traditions, and roots.

Mr. President, one such small town is Brooklyn, Iowa, the subject of a warm and understanding feature article by Sid Moody of the Associated Press. In the article, reprinted widely in the Nation's press, Mr. Moody caught the essence of the small town when he wrote:

Brooklyn is roots. For its own people. And Brooklyn and the other small towns like it are roots for much that has nurtured the strength of the American character.

That is a comforting thing to know.

Mr. President, for the benefit of those who have never known what a small town is like, or perhaps have forgotten, I ask unanimous consent that the article, entitled "Brooklyn People Are Kind, Decent, Helpful," which was published in the Columbus, Ohio, Dispatch of September 28, be printed in the RECORD.

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

THIS IS THE IOWA BUNCH, IN AMERICA'S HEARTLAND—BROOKLYN PEOPLE ARE KIND, DECENT, HELPFUL

(EDITOR'S NOTE.—Under the high Western sky, on the limitless plains the town of Brooklyn, Iowa, like many another small town, plays out the ancient cycle of life. Children are born; they grow up and raise their own families; old people die, leaving behind legacies of hard work, compassion and help. Old values may be questioned elsewhere in an age of despair, but here in the heartland of America, a stability remains. Here is a place for roots in a time of rootlessness.)

(By Sid Moody)

BROOKLYN, IOWA.—Population: 1,415 persons. Or maybe 1,414.

Floyd Griffith was buried the other day at 74. They saved the funeral flowers for the Sunday services the next day at the Presbyterian church.

Or maybe still 1,415. Kenneth Brannian down at the implement store and his wife, Esther, had a baby about the same time. A boy.

Nobody's really counted noses since the last census. But nobody thinks it will change much.

Ebb and flow. Of time. Of people. And a balance. A stability.

The corn the first settlers planted in the 1850s to break the virgin sod of the prairie still grows row upon row, clothing the hills in emerald corduroy.

Out beyond the fields, a doubting nation searches for the ideals and innocence of its youth. In Brooklyn, Iowa, they know about riots and urban rot and the fury of the young and the folly of war. But somehow these things sound as distantly as the thunder drumming dully along the horizon.

Brooklyn's problems are tied up with the cycle of life, with the music of time. Raising crops. Raising a family. Living. Solutions: hard work, concern, fellowship. Brooklyn is coping not unlike the way its grandfathers did and probably not unlike the way its grandchildren will.

In an age of despair and anxiety, that is refreshing.

Brooklyn, Iowa is where . . . candy boxes for the four-times-weekly picture show at the old Opera House lie unmolested all day on the sidewalk until someone bothers to bring them inside; where most houses have an American flag, where, one resident said, "Infidelity is the worst thing you can do here. I guess. And don't go to an out-of-town barber."

Brooklyn is also people.

Mrs. E. J. Stirniman: "I was born in Brooklyn in 1893. You can't keep that a secret in your home town."

Dressed in a blue print dress and white apron, white-haired, eyes intent behind her glasses as she pricked a banana cream dessert on the stove with a toothpick, she looked like vintage Norman Rockwell.

"They paved the street in town in 1919, and they haven't needed much fixing since. Electricity was about 1916. We had gas before. It kept going out."

Her husband, a retired engineer who had traveled the world for the Caterpillar Tractor Co., was playing pinochle in the next room with a grandson.

"I've lived everywhere," she said. Berlin. Sydney. Hawaii. Russia. I came back home during the war. The center of the country seemed safest. And the eats are about the best in the country. And we had been uprooted so many times, I thought the kids ought to have roots."

Brooklyn is where . . . you can stand on a corner at 10 p.m. and watch the lights go out after the television weather forecast. "This is a farm town," says Frank Morlan, 33-year-old publisher of the weekly Brooklyn Chronicle.

"They've either lived on the farm, have family on it or make part of their living off the farmers. When the weather is bad, people start getting edgy. Advertising even falls off."

Brooklyn is where . . . the Rev. Bernard Kamerick, pastor of St. Patrick's Catholic church, gave this very very brief sermon the other Sunday when it hit 99 degrees: "Hell, it's hot and that's where we'll all go if we don't behave ourselves."

Richard Frantz: One of Brooklyn's two lawyers, age 33, was born in an Iowa town smaller than Brooklyn.

"When I got out of law school, I didn't consider Iowa at all. I wanted to go to the big city. One thing is the wage difference and people want to see what's over the hill."

Frantz took a job with Standard Oil of Indiana in the Chicago general offices and moved into a bedroom suburb 35 miles from the Loop: Park Forest, one of William Whyta's anthill targets in his book "The Organization Man."

"You could have lived there 15 years, but no one thought of it as home. At best it was a permanent motel, a place you stopped on your way someplace else. At first, though, we had a ball. But after six years, I wanted to get out and go into my own practice. I was commuting three hours a day on the Illinois Central. It took a while to adjust to the way people treated women. If you gave up your seat, they looked at you like some oddball.

"It was hard to get people involved. Interracial things, for instance. It wasn't so much people were against it. They just didn't want to get involved. Here, if you see the church door needs fixing, you do something about it. There's pride in the community.

"Brooklyn doesn't have all the answers. You lose the ability as a professional man here to do what you please. Oh, you could sit on the porch with a scotch and soda in your hand, but you'd better not.

"But I firmly believe—and I didn't in my time—that growing up in a small town enables an individual to develop his fullest potential. That's a bunch of words, but take my son. He plays Little League not because he's a great athlete, but because there aren't many teams. He's not competing against 1,000 kids. There or in class, and isn't going to be pigeonholed, isn't predetermined as not college material. His possibilities aren't cut off. You aren't killing somebody early in his life.

"No, this isn't paradise. But if you want to feel like a place is home, to feel if you put in time to work you'll be successful without worrying whether your boss likes you, if you're willing to take a gamble, this is a place to find out your capabilities.

"Yes, gamble. I'd come back home from Chicago and tell my father, who's a farmer, about all the deals and speculation, and he'd say: 'Gee, those fellas really gamble.' But he's the biggest gambler in the world. He plants his corn, gambles it will rain, not hail and the price stays up. And weather can wipe out a year's work in minutes."

So "Rich" Frantz came home to Small Town U.S.A. to gamble on being his own man.

Brooklyn is where . . . if there are less than six persons at the movie, the show is canceled and where one night a man dashed out into the street and called a friend inside so there could be a quorum in the audience; where if you have money, you don't put it in Cadillacs "because," Morlan says, "people will think you have it made and will give their business to someone else they think needs it more."

Clem DeMeulenaere: The mayor, 82 last Fourth of July, born in Belgium. There are a number of Belgians around Brooklyn—townspeople call them "Belgiums." They are immaculate farmers.

"In Belgium if you're born poor, you stay poor all your life. When my family got here, they called us greenhorns. We weren't good enough for American girls. They thought we were too dumb to hold office. I went through the seventh grade and then three months in the winter. That's all us big farm lugs ever got. I used to have an inferiority complex.

"Now I think I'm as good as anybody. One of my son's a doctor over in Grinnell and pays more income tax than I ever made in my life. My son-in-law bought a combine for $15,000. That's more than I paid for all the machinery I ever bought."

A widower, Clem—what everyone calls him—has been in 48 states since retiring from the lush farm in back of his large house on Des Moines St. An old photo of his parents, mother in lace and father with handlebar moustache, hangs in a huge gilt frame in the parlor next to pictures of Presidents Roosevelt, Kennedy and Johnson. Clem's one of the Brooklyn Democrats, which didn't keep him from being elected county supervisor several times. He flew the flag for several days after the moon landing.

Brooklyn is where . . . the churches have a night men's softball league. The Presbyterians were short and the Catholics loaned them some players—but not their best ones.

Mrs. Laverne Hand: A tornado smashed a barn, hog house and grain bin on the Hand farm one Sunday evening recently when the family was in Waterloo on an outing. When they got back, neighbors had already gathered. Forty men pitched in to clean up the rubble and 22 women brought food. It's an old tradition, as old as the frontier. They call them "good neighbor deeds."

When Mrs. Hand lost her father-in-law of a heart attack two years ago, neighbors tractored over to cultivate his corn.

"I don't know what we'd do without them," said Mrs. Hand. She put an ad in the Chronicle thanking everybody after the tornado. Frank Morlan refused to take any money for it. "You've had enough trouble," he told her.

Junie Mannatt: Brooklyn's success story. Age 43. Usually in work shoes and pants and open-neck shirts, but about the only man in town who reads the Wall Street Journal, except for Clint Fowler, president of the town bank, who is also one of the few who wears a business suit to work.

"I always wanted to drive a truck," says Mannatt, so he quit college after one year and, with $60 of his own and the rest borrowed from his grandfather (he was too young to get a loan from the bank), bought one. He paid for it in eight months and bought another. And another.

He hauled grain, coal, livestock. Once when there was a local shortage of baling wire, he drove to Missouri, stopping at every town he came to, to buy up wire. Then he'd phone one of his trucks following him and say where to pick up a load.

"Farmers were so hungry for wire back home they bought it right off the truck.

"In 1954 some guys over in Victor got together $100,000 to put up a cement plant. I only had about $25,000, but by mixing bag by bag I got mine in first. I even sold the concrete to the Victor guys for their foundation." He bought them out in 1960 and now has eight plants in eastern Iowa.

"I'm not smart, but I can hire the brains. It takes a banker who believes in you, but you can't be afraid to work. Forget about having 50 cents in your pocket, and be honest and sincere with the people you deal with.

"If I was afraid of sticking my neck out, I'd still be driving that old truck. I still have the fever, though. I bought a $35,000 rig the first of June. I got in it and drove it up to Tama just to hear that Diesel purr."

Junie Mannatt now has 100 trucks, grosses $4 million in cement hauling and mixing a year, has several farms with more than 1,000 head of cattle—he bought one farm when he went to a farm auction since he'd never seen one and decided to buy the farm because the price seemed ridiculously low—which it was—and thinks "if you stand still you're dead."

Faith and Chester Hess: He farms more than half a square mile—farms are getting bigger and require as much as $100,000 in machinery. Hess plowed with horses until 1946. He now has two big tractors—with radios playing music to plow by—and wants to buy a third. Faith thinks the last time Chester sent her to Las Vegas it was to get her out of town so he could buy the last tractor.

Chester was smiling in the living room, one end of which was covered with trophies the children had won in 4-H. Faith had some friends in for home-made apple pie and ice cream after dinner. The talk was gossipy and good-humored. They mentioned a friend who had married a woman after courting her 35 years.

"And you know," said Faith, "she can't cook."

Outside the moon shone down on the cornfields and fireflies twinkled in the dark and a heifer stirred down by the barn.

Brooklyn is where . . . people say there isnt much crime except hot rodding kids, but Lyle Ziegler says there is, "just like everywhere else. Breaking and entry. Someone peeled a safe the other night." The last time he fired his bone-handled revolver was last fall, a warning shot at a drunk he was chasing through the Odd Fellow's Cemetery.

Brooklyn is where . . . people worry about the youth drain. Of the eight couples Father Kamerick has married since he came to Brooklyn last summer only one settled in town. Of Clem DeMeulenaere's 22 grandchildren, only one farms.

Blair Barclay: A 1967 graduate of Brooklyn's high school. There were 67 in his class; 32, including Barclay, went to college. He wants to be a veterinarian like his father, whose death of a heart attack last year was a community loss still felt.

"If anything happens to the country, I can always live off the farm. You can't live off a piece of cement. I've seen the cities. A small town guy can go to town and see what it's like. A city guy can't the other way. You can make yourself out here. There are going to be a lot of developments in agriculture. A normal family can live off 80 acres. People here have four and five hundred. The pioneering's not over yet."

Drugs here are not a problem, but a junior high boy caught with a cigaret is. Sex education not an issue, since farm children know the facts of life about the same age they learn to add one and one. Blair Barclay can snort at talk of generation gaps since the man he goes to when he has a problem is Gene Bush, a former blacksmith, now a metal worker, who is over 90.

And Brooklyn is where not everything is rosy. One woman, at least, said if a Negro walked into her church, she'd walk out. Not everyone was happy when a local girl joined a nude group—in protest over at Grinnell College, even though the protest was against Playboy magazine.

And there is the future. Some small towns in the Midwest are dead or dying. The signs are obvious: empty store windows, rusting gas pumps, grass in sidewalk cracks.

Brooklyn's stores, on the other hand, are leased. It's hard to find a house even remotely shabby. There may be two families in town receiving welfare and they had to be found: They didn't come looking for a handout.

What saved Brooklyn from the fate of some of her doomed neighbors are things tangible and intangible. For one, the new Interstate just south of town brings in a few big city tourists curious to see a rural Brooklyn. It means you can live in Brooklyn and still get to Des Moines and Iowa City, where the jobs are. The town is finding itself with a new species: the commuter.

Survivial means little things. "Like the town owning its own utilities," says Burt Gilette. "That gives us 15 jobs instead of one man from Iowa Southern coming into town Saturdays to collect bills."

"It may take only five or six people," said Junie Mannatt. "Boosting the town. Working for a park. Or a town pool." Or being a Junie Mannatt, who encouraged a young doctor to open his practice, who put up a garage for young Larry Anderson when he came to

town back from Vietnam and said he wanted to open a body shop because, even though he was a college graduate, he could be his own boss that way.

It takes things as unsophisticated as "Booster Tuesday" when at 9 p.m. the announcer over at KGRN in Grinnell draws a number. If the holder of the number is in a store in Brooklyn when it is read on the air, he wins whatever is in the jackpot.

The money is actually credit at Brooklyn stores. The merchants used to give cash until one winner took the money and said:

"Now I can go over to Iowa City and buy some things."

And it takes pride. Pride in self. In community. In effort.

And it takes a sense of heritage. An awareness, articulated or not, that there are certain things one is expected to do for and with one's neighbor in a small community, and these things have long been known.

Dorothy and Maynard Lang: They farm the same land her great-grandfather bought in 1862 when he walked out from Ohio. They live in the rambling home he built in 1882. Her grandfather remembered seeing Indians race their ponies across the field near where Maynard Lang now milks his herd of Ayrshire cows.

The Langs are frugal. They are remodelling their house, a room at a time, each winter. Mrs. Lang sews her own clothes. "I haven't been in a dress shop in two years."

Her husband buys second-hand equipment and instead of erecting a silo for $6,000 or $7,000, he put up a concrete silage bunker for a fraction of the cost. They work hard 365 days of the year.

"I guess I'm independent," Lang said. "I want to be my own boss. I can't see riding around and around in a tractor all day. I want to see what I can do to improve the quality of my herd. My net worth isn't in my pocket, but I'm putting three kids through college, so I must be doing something right."

"We don't have all of the things our city friends do," his wife said. "But we have quiet. Birds. Lightning bugs. A boy running in and out of the house with no fat on him, all muscle."

Her youngest boy, barefoot and blond, had just raced into the house crying "Mom! Mom! Smokey got out!" and then dashed out into autumn in search of the missing family dog.

He is the fifth generation on the Lang's farm. Roots.

Brooklyn is roots. For its own people. And Brooklyn and the other small towns like it are roots for much that has nurtured the strength of the American character.

That is a comforting thing to know.

## ECONOMIC OPPORTUNITY AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

Mr. JAVITS. Mr. President, I believe it appropriate, in opening the debate on the extension of the Economic Opportunity Act, that the minority have an opportunity to be heard on the questions which have been raised in respect of this bill.

First, Mr. President, I would like to pay my tribute to Senator GAYLORD NELSON, chairman of our subcommittee, for the fairness, conscientiousness, and senatorial courtesy which he exhibited throughout, and which I hope will carry through to the enactment of the bill.

I am particularly impressed with the fact that the chairman of the subcommittee, recognizing that the 2-year extension was offered by the administration—which I introduced as the ranking minority member—was willing to espouse that and any aspect of the administration's program or approach which was consistent with the philosophy adopted by the majority, without any concern that it might be "credited" to the administration. That is a very creditable attitude when we have a divided affiliation between the administration and the Senate, and I wish to compliment my colleague on it.

There may be, as the debate goes on, much more emphasis on the negative than on the positive. Therefore, to get the record clearly in focus, I would like to lay out the tremendously important areas where we agree and where there is no contest.

First, the bill would provide for a 2-year extension of the authorization for appropriations beyond June 30, 1969, when the previous authorization expired. The leadership taken by the President on June 2 in recommending a 2-year extension and the fairness of Mr. NELSON and other members of the majority have been crucial factors in reaching the broad accord represented by the bill before you. Such an extension is clearly required. As the President stressed in his statement of June 2:

> A two-year extension will have a number of advantages. From a management standpoint, by allowing longer-range planning it will make possible a more orderly and efficient allocation of funds. From a recruiting standpoint, it will guarantee to those whose talents are needed that the Nation's commitment is a continuing one. Furthermore, an innovative agency has a special need for both continuity and flexibility. It is in the nature of experiments that some succeed, and some fail: a two-year extension will give greater assurance to those whose function it is to experiment that even though a particular program may fail, the lessons learned will be put to use, and that the larger effort of which it is a part will continue.

Second, there has been basic agreement as to the general role that the Office of Economic Opportunity should play in the total antipoverty effort. The President expressed that role in his June 2 message as follows:

> The primary role of the Office of Economic Opportunity should be innovative: to search out new knowledge and initiate new programs, serving as an "incubator" for experimental efforts.

The report of the majority of the committee accepts that role. On page 5, thereof, it states:

I think that these last words of the report are especially important ones: "to prod other agencies into action." When he appeared for confirmation, I asked the Director if he would consider himself as the advocate for the poor in other agencies. He agreed that he would.

> The OEO is supplemental and experimental. Despite claims which may have been made for it, it was never designed to be an all-inclusive program to abolish poverty. Neither the programs which it operates, nor the funds which Congress has appropriated to it have the capacity to lift 25 million American citizens out of poverty.

A corollary to the axiom that OEO is to be primarily an innovative office is the concept that it is healthy and normal for programs begun in OEO to be subsequently delegated or transferred to other agencies for operation. Under previous administrations, approximately 10 programs or activities were delegated to other agencies, a major portion of them to the Departments of Labor and of Health, Education, and Welfare. The present administration has followed that practice with respect to the Headstart program and the Job Corps program. As the committee report notes, on page 6:

> OEO was not intended to be a traditional agency and there are many who feel that it should not retain responsibility for operating established programs on a permanent basis. In this view, if it were to become simply another permanent operating agency, it would lose its vital character as an innovator and as a goad, assigned to probe into new areas and to prod other agencies into action on neglected problems.

Third, there appears to be basic agreement that community action agencies should continue to have a crucial role in antipoverty efforts undertaken by the Office of Economic Opportunity and by other agencies and departments of the Federal Government. While there has been understandable concern over the future of these agencies—especially in light of the absence of the authorization of funds that this bill would provide—the commitment of the administration to a continued and expanded role for the community action agencies has been made clear by statements of the President and actions taken by the Office of Economic Opportunity. That commitment was most recently confirmed in a response to a letter to the President which Senator NELSON and I joined in sending early last month. The President's reply to me which was expressed in an identical letter to Senator NELSON, reads as follows:

> DEAR JACK: Thank you for your September 9 letter. I welcome the opportunity to reaffirm this Administration's determination to conduct meaningful OEO programs.
>
> As stated in my February 19 message, I intend to see that "the vital Community Action Programs (are) pressed forward." Nothing since that time has altered the Administration's resolve to improve and strengthen the Community Action Agencies now serving throughout the country. These Agencies will be improved to play a more vital role in mobilizing local resources, involving the poor in program planning and operation, and in training new neighborhood leadership.
>
> The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of government-wide evaluation. Facts that will come out of this office will assist all agencies within the Administration in evaluating the effectiveness of their programs for the poor.
>
> It is my determination to strengthen the Office of Economic Opportunity and its community action arm in contributing to the goal of providing full economic opportunity for every American.
>
> Sincerely,
>
> RICHARD NIXON.

It seems to me, Mr. President, that this is both for Senator NELSON and for myself a most important confirmation with respect to the community action agencies and their continued role.

The fourth matter, Mr. President, as to which we are of one mind, relates to the basic authorizations for appropriations set forth in section 3(a) of the bill. Interestingly enough, both the administration's positions for fiscal 1970 and for fiscal 1971 were, in substance, accepted. The amount authorized for fiscal 1970 is $2,048,000,000; and for fiscal 1971, the committee added an unallocated $100 million for a total of $2,148,000,000.

Those are the areas of broad agreement, Mr. President. The areas of disagreement relate to three, perhaps four, major subjects.

The first is as to the question of the earmarking. An effort has been made to earmark, by titles, and, in some cases, by programs, the $2.048 billion authorized for 1970, and the same amount of $2.048 billion—leaving $100 million unallocated—for fiscal year 1971. The administration objects to the earmarking, Mr. President, notwithstanding—and I say this in all fairness—that not all of the funds for community action under title II are specifically earmarked. However, the administration objects to the earmarking on the ground that it wants the greatest possible freedom of action, especially in the second year, because by then it expects the innovative and developmental aspects of the new character of OEO to come out, and it wants the agency to have the opportunity to express it in terms of its requests for appropriations.

Mr. President, in sustaining my position as representing the administration on its bill on the Senate floor, I shall move to strike the earmarking for the second year.

The second item of importance, Mr. President, are the so-called add-ons in what are, generally speaking, the same categories for which there was earmarking of specific programs covered by title II. The majority of the committee, against the votes of the minority, has added on for programs which they consider to be of special interest, $292,100,000 for fiscal 1970, and $584,200,000 for fiscal 1971. Mr. President, the minority will move to strike some of those add-on provisions. I do not know that I shall be able to join the minority in respect to the second year, but in any case, the minority will move to strike the add-on provisions for the first year.

The third item, Mr. President, which immediately stems from the earmarking and the add-ons, is the so-called flexibility section. That will be found in section 4 at pages 5 and 6 of the bill; section 4 of the bill was included because—as a result of the earmarking and the add-ons—the minority sought higher figures for flexibility, both as to what could be taken out of one program, and as to what could be added as a maximum to another. I think the case for greater flexibility under this section 4 is very strong, Mr. President, in view of the innovating character of the OEO which has now been accepted.

Finally, Mr. President, there may be some differences of view between the majority and at least one Member of the minority, perhaps supported by many others, with respect to the legal services aspect of the poverty program.

I know of no other differences, and it seems to me, in sum, that the areas of agreement far exceed the areas of disagreement; but I do not wish in any way to derogate from the importance, also, of the areas in disagreement, upon which the Senate will have an opportunity to pass.

Finally, Mr. President, I think it is most creditable, and a really splendid demonstration of the development of thinking here in the Senate, that we have pounded into reasonable form the concept of the war on poverty; that we have found ourselves in accord with the administration in the major concept of the innovative nature of this agency, and in agreement upon the fact that, as programs matured and were ready, they should be transferred to line agencies and departments.

On the broad concept of the order of magnitude, and the amounts of money which should be involved, I know all of us feel that much more should be involved, and we look to appropriations to deal with hunger and food programs and many other programs to supplement this effort.

But, considering the character of our budget situation and our views as to priorities, we apparently have achieved a general meeting of the minds on the order of magnitude, in any event, which should go into the particular programs under the Economic Opportunity Act in a direct way.

Mr. President, I close as I began, by emphasizing the positive, the broad areas in which we agree as to the nature of the agency, the funding of the agency, and the length of time for which the agency should be extended. I also would like to add to the very creditable and satisfactory areas of agreement the role of the community action agency, which we agree is critically important. We wish to see those agencies continued to innovate and involve the poor in a way which I think is unique and very creditable to our country.

As to the areas of difference, I am sure the Senate will speedily deal with them, and I am confident that the end result will be a bill of which the Senate can really be proud in respect to the war on poverty, which was so auspiciously inaugurated and was so long overdue in the United States.

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

Mr. JAVITS. I yield.

Mr. NELSON. I would like to say that, as chairman of the subcommittee, it has been my pleasure in working with the distinguished senior member of the Poverty Subcommittee and the Labor Committee, to find that it has been possible to weld together this very constructive measure because of the genuine dedicated cooperation of the senior Senator from New York, and because of his genuine capacity to make sensible compromises in the interest of the accomplishment of the end we all seek.

I think it is correct to say that though there remain some differences about the bill, I do not think any of them involve any major, fundamental principle, in that, by and large, they are simply details over which each of the members may have minor differences. But I want to take this opportunity to thank the senior Senator from New York. It would not have been possible to put this bill together and get it before the Senate without his very important cooperation.

Mr. JAVITS. I certainly thank my colleague, and I agree with him that our differences are not to the basic fundamentals of the bill. We are greatly in agreement, and I credit him very heavily for his tact, diplomacy, and skill in bringing that about.

Mr. President, I ask unanimous consent that the entire letter from the President of the United States addressed to me be printed in the RECORD, and I note that a counterpart of the same letter, dated September 16, 1969, was sent to Senator GAYLORD NELSON.

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

THE WHITE HOUSE,
*September 16, 1969.*

HON. JACOB K. JAVITS,
*U.S. Senate,*
*Washington, D.C.*

DEAR JACK: Thank you for your September 9 letter. I welcome the opportunity to reaffirm this Administration's determination to conduct meaningful OEO programs.

As stated in my February 19 message, I intend to see that "the vital Community Action Programs (are) pressed forward." Nothing since that time has altered the Administration's resolve to improve and strengthen the Community Action Agencies now serving throughout the country. These Agencies will be improved to play a more vital role in mobilizing local resources, involving the poor in program planning and operation, and in training new neighborhood leadership.

The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of government-wide evaluation. Facts that will come out of this office will assist all agencies within the Administration in evaluating the effectiveness of their programs for the poor.

It is my determination to strengthen the Office of Economic Opportunity and its community action arm in contributing to the goal of providing full economic opportunity for every American.

Sincerely,

RICHARD NIXON.

AMENDMENT NO. 241

Mr. JAVITS. I send to the desk an amendment for printing under the rule.

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

Mr. JAVITS. I ask unanimous consent that the supplemental views of certain Senators and the individual views of the Senator from California (Mr. MURPHY) on the bill as reported to the Senate be printed in the RECORD as a part of my remarks.

There being no objection, the supplemental and individual views from the committee report (No. 91-453) were ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS OF MESSRS. JAVITS, PROUTY, DOMINICK, MURPHY, SCHWEIKER, SAXBE, AND SMITH

The bill reported by the committee would extend the authority for appropriations under the Economic Opportunity Act for 2 years beyond June 30, 1969, as recommended by

the President. A bill to implement the President's recommendation was introduced by Senator Javits on June 12, 1969.

In his statement of June 2, 1969, the President reaffirmed the administration's commitment to the continuation of the Office of Economic Opportunity and stated his determination to make the Nation's antipoverty efforts function more efficiently and serve the poor more effectively. He stressed that a 2-year extension would provide a "better framework within which the necessary improvements in the antipoverty program can be made."

The initiatives taken by Director of OEO Donald Rumsfeld and others responsible for the programs authorized under the Economic Opportunity Act signal an expansion and improvement, rather than a dilution, of the efforts of the Federal Government to combat poverty.

The administration has properly viewed the Office of Economic Opportunity as an innovative agency, willing to experiment with and serve as a proving ground for new programs to benefit the poor. While OEO is the only Federal agency whose special concern is the poor, other Federal departments and agencies have given increased attention to the problems of poverty.

The recent breakthroughs by the administration in proposing major welfare reforms and in efforts to combat hunger and malnutrition are testimony to that fact. Moreover, programs delegated from OEO by this and previous administrations have found a secure and sympathetic home in other departments of the Federal Government.

The administration has taken care to insure that OEO will have a continuing role in the emerging governmentwide strategy against poverty: the Director will retain an overview of delegated programs; community action agencies will continue to be involved in programs at the local level; the placement of OEO regional offices has been undertaken with a view toward coordination with similar offices of other agencies involved in programs for the poor; and OEO will have the authority and capacity to conduct governmentwide evaluation of programs affecting the poor.

The establishment of the Urban Affairs Council and the designation of Director Rumsfeld as special assistant to the President with Cabinet rank are further indications that the poor will have an increasing voice in national councils. In light of these developments, it is appropriate that the agency focus its resources on innovation so that new programs can be developed and, upon maturity, be given an established place in the total Federal antipoverty effort.

While the Office of Economic Opportunity should be free to innovate, we share the commitment of the administration to a continuing operational role for community action agencies and endorse efforts now underway to make those agencies more efficient and responsive to the needs of the poor. The administration has made it clear that community action agencies will continue to be involved in the operation of existing programs such as Headstart and in providing outreach and education, as a part of a new, coordinated attack on hunger and malnutrition. The monitoring and evaluation of community action agencies now being conducted is long overdue. In order to assume an expanded role in the total antipoverty effort, community action agencies must be strengthened; as the President has emphasized, it is the poor who are hurt most when poverty funds are stolen or programs are inefficiently administered.

We support the administration's current efforts and proposed plans to give the States a greater role in antipoverty programs. For too long they have been denied the meaningful participation authorized under the Economic Opportunity Act, with the result that the Federal Government has lost important allies in the fight against poverty. As Director Rumsfeld has noted, existing legislation provides in numerous instances for an active State role. We are encouraged by the Director's plans to give life to those provisions by appropriate regulations. We note favorably his creation of a new division of State and local governmental relations in the Office of Economic Opportunity and the budget increase requested by the administration for the funding of State economic opportunity offices. We believe that the Economic Opportunity Act includes adequate provision against arbitrary actions in the course of State administration.

We commend the Director for conducting a reorganization of the agency in order to improve efficiency, clarify missions, improve management controls and permit the flow of work from the research stage through the development and program stages. We are pleased that programs for rural areas and for older persons will be brought into the mainstream of program development. We note also that the Director of Legal Services will be directly responsible to the Director of OEO and that the agency is making efforts to give further definition to the mission of the legal services program. In that connection, we question the necessity of section 9 of the committee bill preventing the delegation of that program to any existing agency, in light of Director Rumsfeld's testimony before the Subcommittee on Employment, Manpower, and Poverty to the effect that no such delegation is contemplated.

While the actions taken thus far by the administration suggest that much can be done to improve the poverty program without special amendment to the Economic Opportunity Act, we have taken the initiative in proposing and supporting amendments where we felt that they were required to authorize new programs or to improve further the administration of existing programs. An amendment introduced by Senator Dominick to establish a special emphasis program for the discovery and treatment of drug abuse and addiction is included as a part of section 8 of the committee bill. Senator Prouty's amendment to authorize the Comptroller General to audit and examine books, documents, papers, and records pertinent to financial assistance received by any agency under title II of the act is included as section 11 of the bill. We have given our support in committee to amendments introduced by other members authorizing advance funding, establishing a new special emphasis program on alcoholic counseling and recovery, providing civil service credit for VISTA volunteers, providing that children who are not members of low-income families may be permitted to receive services in Headstart projects, clarifying existing Law, and insuring that closed Job Corps centers are used for special youth programs.

We are deeply concerned with several aspects of section 3 of the committee bill. The section provides for authorization of appropriations as follows: Under subsection (a) there would be authorized $2,048 million for the fiscal year ending June 30, 1970, and $2,148 million for the fiscal year ending June 30, 1971. Under subsection (b), $2,048 million of the sums authorized under subsection (a) would be earmarked for certain programs and activities for each year. Under subsection (c) (as an addition to the amounts authorized for all programs under subsection (a)) amounts would be authorized for each of eight specific EOA programs of special interest to committee members.* These add-ons would total $292.1 million for fiscal year 1970, and $584.2 million for fiscal year 1971.

We support the ceiling of $2,048 million for fiscal year 1970, the amount requested by the administration for that fiscal year. It represents an increase of approximately $100 million over the estimated expenditures for fiscal year 1969. We also support the authorization of $2,148 million for fiscal year 1971, representing a further increase of $100 million over the previous year.

We submit that the earmarking provisions of section 3(b) are inconsistent with the concept of the Office of Economic Opportunity as the principal innovative agency in an emerging governmentwide antipoverty effort. OEO must be free to develop new programs and to determine for each fiscal year which existing programs should be emphasized to accomplish the purposes of the act.

The necessity for flexibility has been recognized to a limited extent, by a majority of the members of the committee in section 4 of the bill. That section would amend the law to permit the Director to transfer 15 percent of funds allocated or appropriated for a particular program or activity to another program or activity. It would also eliminate any restriction on the total amount that can be transferred into another program or activity. Under present law, transfers from a program are limited to 10 pecent of the amount allocated or appropriated and no program may be increased by more than 10 percent.

However, when combined with earmarking, the transfer provisions will still not operate to permit meaningful changes in programing, especially in the case of fiscal year 1971: In each case where the bill earmarks a program at a certain level for fiscal year 1970, the bill provides for earmarking at the same level for fiscal year 1971. Under the 15-percent transfer provision, the Director could operate a program earmarked at $100 million at a level of $85 million during fiscal year 1970 and add $15 million to one or a number of other activities. Subsequently, the Director might consider it advisable to operate the earmarked program at a level below $85 million for fiscal year 1971, in order (*a*) to provide funds for a new program, (*b*) substantially increase funds for a particularly successful existing program, (*c*) to avoid duplication of effort between the earmarked program and activities undertaken by other public or private agencies from additional funding sources, or (*d*) because of a combination of such considerations. However, he would be powerless to do so since the 15-percent transfer authority would once again be applied to the earmarked amount of $100 million.

We submit that the administration must be permitted to make programing decisions in the light of previous experience and the total Federal anti-poverty strategy, not on the basis of the previous year's budget request.

As noted above, section 3(a), which we support, would authorize a total of $2.048 billion for fiscal year 1970. We do not consider advisable the authorization of additional amounts for specific programs for fiscal year 1970 under section 3(c) since as a practical matter we doubt that the administration would be able to make effective use of such amounts by the time they would actually become available later in this fiscal year. In this connection, we point out that the administration's budget submission (covered by the authorization contained in section 3(a) of the committee bill) already requests $89 million more for these specific programs for fiscal year 1970 than provided in fiscal year 1969.

We recognize that the administration may require additional authorizations for fiscal year 1971 (beyond the $2.148 billion authorized under section 3(a)) in order to take further initiatives during that year in the

* Special Impact, Project Headstart, Legal Services, Comprehensive Health Services, Emergency Food and Medical, Senior Opportunities, programs for migrant and seasonal farmworkers and Day Care.

specific program areas covered by section 3(c). Accordingly, while we have differed with other committee members as to the amounts of some of those increases, we have generally given our support to that section as it applies to fiscal year 1971.

We share the commitment of the administration to a renewed, revised, and expanded attack on poverty in the framework of a 2-year extension of the authority under the act. Subject to the exceptions we have noted, we consider the committee bill as a general expression of bipartisan support for the President's recommendation for such an extension and of confidence in the administration's ability to make the new tenure a meaningful one.

JACOB K. JAVITS.
WINSTON L. PROUTY.
PETER H. DOMINICK.
GEORGE MURPHY.
RICHARD S. SCHWEIKER.
WILLIAM B. SAXBE.
RALPH T. SMITH.

INDIVIDUAL VIEWS OF MR. MURPHY

I am deeply concerned over the direction in which the legal services program has been allowed to move. In many States, including California, legal services organizations have diverted their major thrust from legal aid and assistance to the needy and turned that thrust toward political activism through the filing of law suits against governmental agencies and departments. I believe the issues presented in these law suits can and should be raised through legally constituted political channels.

I am considering introducing an amendment to the bill that directs the program toward legal assistance and away from law reform.

Mr. JAVITS. Mr. President, I yield the floor.

OEO IS WORKING

Mr. YARBOROUGH. Mr. President, very shortly we will be considering the authorization bill for the Office of Economic Opportunity for 1970. As we all know, the OEO program is vital to millions of underprivileged Americans throughout the Nation. Unfortunately, all too often the critics of OEO obtain more attention than do the many successes of this very important program. This is why I was pleased to receive a letter from Mrs. R. E. Conner, president of the Galveston, Tex. chapter of the League of Women Voters, supporting the OEO programs.

Because of the great respect I have for the views of the League of Women Voters, I ask unanimous consent that the letter to which I have referred to dated October 2, 1969, be printed in its entirety at this point in the RECORD.

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

LEAGUE OF WOMEN VOTERS,
*Galveston, Tex., October 2, 1969.*

Hon. RALPH W. YARBOROUGH,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR YARBOROUGH: We want to urge your support for the continuation of programs authorized under the Economic Opportunity Act of 1964 (S. 1809). We also strongly urge that you vote to renew these programs for two years.

As you know, the League does support the O.E.O. and we do not consider its activities in the past as failures. The Agency has had a relatively short time to work on ways to improve opportunities for people. Much more time is expected to be used up in working with medical research problems. It has been and should continue to be an experimental agency and this aspect of its work is one of its greatest assets. It is necessary to find out what will *not* work as well as programs that succeed.

Here in Galveston, our C.A.C. is just off and running after a series of false starts, and with one-quarter of our population in the under $3000 per year bracket, we really need the C.A.C.

Sincerely,

Mrs. R. E. CONNER,
*President.*

## TAX CONVENTION WITH THE NETHERLANDS—REMOVAL OF INJUNCTION OF SECRECY

Mr. KENNEDY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive G, 91st Congress, first session, the tax convention with the Netherlands, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the Kingdom of the Netherlands for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on estates and inheritances, signed at Washington on July 15, 1969, and the related protocol signed on the same date.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention and protocol.

The purposes of this convention are the same as those of the twelve other estate tax conventions now in force between the United States and other countries, namely, to minimize the burdens of double taxation at death and to prevent fiscal evasion with respect to taxes on estates and inheritances. In accomplishing these purposes, the convention departs from the pattern of our existing estate tax conventions in order (a) to take into account problems which employees of international businesses assigned to foreign countries have encountered under previous conventions, (b) to follow the direction indicated by the Foreign Investors Tax Act of 1966 in assisting our balance of payments by minimizing deterrents to foreign investment in the United States, and (c) to conform to the extent practicable with the provisions of the Draft Double Taxation Convention on Estates and Inheritances published in 1966 by the Organization for Economic Cooperation and Development.

The convention contains four principal innovations:

1. The seven year domiciliary rule, whereby a decedent who is considered by each country as having been domiciled therein at death will generally be deemed to have been domiciled only in the country of which he was a citizen if he had been resident in the other country for less than seven years without the intent to remain there indefinitely.

2. As a corollary of the seven year domiciliary rule, the convention provides that if a citizen of one country was resident in the other country seven or more years, the country of citizenship grants a credit for the death taxes of the other country. In these cases, jurisdiction to tax real property and business assets will be retained by the country in which such property is situated, with the other country providing appropriate credits.

3. The convention exempts tangible and intangible personal property (to the extent such property is not a business asset of a permanent establishment) from taxation by either country if the decedent is neither a domiciliary nor a citizen of such country. This exemption complements on a bilateral basis the liberalized treatment afforded foreign investors in the United States by the Foreign Investors Tax Act of 1966, aids our balance of payments by removing deterrents to investments in the United States, and reduces estate tax formalities for Dutch investors in the United States.

4. Under the convention, the Netherlands provides treatment analogous to the relatively liberal United States exemptions which the Federal estate tax law grants to estates of foreigners, by granting Americans who are not residents of the Netherlands (and who are taxable only on real estates and business assets situated in the Netherlands) an exemption for small estates and an exemption which corresponds to our marital deduction.

The related protocol, containing ten numbered paragraphs, sets forth understandings concerning certain matters of interpretation and application of the convention.

The convention and protocol have the approval of the Department of State and the Department of the Treasury. The Treasury will provide a detailed technical explanation of the convention at the time of the hearings before the Senate Foreign Relations Committee.

I recommend that the Senate give early and favorable consideration to the convention and protocol with the Netherlands.

RICHARD NIXON.
THE WHITE HOUSE, *October 13, 1969.*

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 51 minutes p.m.) the Senate adjourned until tomorrow, October 14, 1969, at 10 o'clock a.m.

## NOMINATIONS

Executive nominations received by the Senate October 13, 1969:

DIPLOMATIC AND FOREIGN SERVICE

Lewis Hoffacker, of the District of Columbia, a Foreign Service officer of class I, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

LINE

*To be major*

Abbey, Edward F., xxx-xx-xxxx.
Abbey, Wayne T., xxx-xx-xxxx.
Abbott, Charles E., xxx-xx-xxxx.
Abel, Richard F., xxx-xx-xxxx.
Abram, Gerald D., xxx-xx-xxxx.
Achor, John N., xxx-xx-xxxx.
Acosta, Javier F., xxx-xx-xxxx.
Acres, Robert D., xxx-xx-xxxx.
Adamek, Eugene A., xxx-xx-xxxx.
Adams, Floyd P., xxx-xx-xxxx.
Adams, Francis R., Jr., xxx-xx-xxxx.
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# HOUSE OF REPRESENTATIVES—*Monday, October 13, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*There will be glory and honor and peace for everyone who does good.*—Romans 2: 10.

Eternal God, our Father, without whose blessing all our labor is in vain, grant that in the decisions we make we may be mindful of Thy presence and eager to do Thy will. Inspire us with a faith that never falters, a faithfulness that never fails, and a fidelity that never fades as we endeavor to do our duty for the good of our country.

Kindle in the hearts of all men a true love for peace, a sincere desire for the triumph of truth, and an increasing concern for the welfare of all mankind. So may Thy kingdom go forward, Thy will be done, and love live in the hearts of Thy children.

In the spirit of Christ we pray. Amen.

## THE JOURNAL

The Journal of the proceedings of Thursday, October 9, 1969, was read and approved.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on October 10, 1969, the President approved and signed bills of the House of the following titles:

H.R. 4152. An act to authorize appropriations for certain maritime programs of the Department of Commerce; and

H.R. 10420. An act to permit certain real property in the State of Maryland to be used for highway purposes.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12829. An act to provide an extension of the interest equalization tax, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12829) entitled "An act to provide an extension of the interest equalization tax, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. GORE, Mr. WILLIAMS of Delaware, and Mr. BENNETT to be the conferees on the part of the Senate.

## REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 12829, EXTENSION OF INTEREST EQUALIZATION TAX

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. CELLER. Mr. Speaker, reserving the right to object, this bill has come over from the other body and it provides principally for interest equalization, but