H. Con. Res. 424. Concurrent resolution expressing the sense of the Congress with respect to the establishment of United Nations Day as a permanent international holiday, to the Committee on Foreign Affairs.

By Mr. BROWN of California (for himself (Mr. GUDE, Mr. HALPERN, Mrs. HANSEN of Washington, Mr. HORTON, Mr. HOWARD, Mr. KASTENMEIER, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MIKVA, Mrs. MINK, Mr. MOSHER, Mr. PODELL, Mr. ROYBAL, Mr. ROSENTHAL, Mr. RYAN, and Mr. STOKES):

H. Con. Res. 425. Concurrent resolution expressing the sense of the Congress with respect to the establishment of United Nations Day as a permanent international holiday; to the Committee on Foreign Affairs.

By Mr. McCLOSKY (for himself, Mr. BUTTON, Mr. GUDE, Mr. HALPERN, Mr. MOSHER, and Mr. RIEGLE):

H. Con. Res. 426. Concurrent resolution to terminate the authority of the Gulf of Tonkin Joint Resolution as of December 31, 1970; to the Committee on Foreign Affairs.

By Mr. REID of New York:

H. Con. Res. 427. Concurrent resolution relative to American prisoners of war; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. BUTTON, Mr. GUDE, Mr. HALPERN, Mr. McCLOSKEY, and Mr. MOSHER):

H. Con. Res. 428. Concurrent resolution to terminate the authority of the Gulf of Tonkin Resolution as of December 31, 1970; to the Committee on Foreign Affairs.

By Mr. SMITH of California:

H. Con. Res. 429. Concurrent resolution expressing the sense of the Congress with respect to the impact of the contracting housing market on the ceramic tile industry; to the Committee on Ways and Means.

By Mr. ZION (for himself and Mr. DICKINSON):

H. Con. Res. 430. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. GUDE:

H. Res. 590. Resolution expressing the sense of the House of Representatives with respect to the U.S. ratification of the Conventions on Genocide, Abolition of Forced Labor, and Political Rights of Women, and Freedom of Association; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BUCHANAN:

H.R. 14513. A bill for the relief of Guiseppe Vella; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 14514. A bill for the relief of Bissell's Dairy, Inc.; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 14515. A bill for the relief of Elmer A. Houser, Jr.; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 14516. A bill for the relief of Guillermo Aguirre-Santini; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

306. The SPEAKER presented a petition of Allan Feinblum, New York, N.Y. relative to establishment of an International Peace Institute, which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, October 23, 1969*

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

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

O God, our Father, in whose word it is written, "If any man lack wisdom, let him ask God, who giveth to all men liberally and it shall be given him," fulfill this ancient promise in all Thy servants here. Graciously minister to all their needs, granting them newness of life, ample physical strength, sharpened intellects, and serene souls that when evening comes they may be found faithful in their love of Thee and in their service to their fellow man.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 22, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

MARITIME PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-183)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

The United States Merchant Marine—the fleet of commercial ships on which we rely for our economic strength in time of peace and our defense mobility in time of war—is in trouble.

While only one-fourth of the world's merchant ships are more than twenty years old, approximately three-fourths of American trading vessels are at least that antiquated. In the next four years, much of our merchant fleet will be scrapped. Yet we are now producing only a few new ships a year for use in our foreign trade. Building costs for American vessels are about twice those in foreign shipyards and production delays are excessive. Operating expenses also are high by world standards, and labor-management conflicts have been costly and disruptive.

Both government and industry share responsibility for the recent decline in American shipping and shipbuilding. Both government and industry must now make a substantial effort to reverse that record. We must begin immediately to rebuild our merchant fleet and make it more competitive. Accordingly, I am announcing today a new maritime program for this nation, one which will replace the drift and neglect of recent years and restore this country to a proud position in the shipping lanes of the world.

Our program is one of challenge and opportunity. We will challenge the American shipbuilding industry to show that it can rebuild our Merchant Marine at reasonable expense. We will challenge American ship operators and seamen to move toward less dependence on government subsidy. And, through a substantially revised and better administered government program, we will create the opportunity to meet that challenge.

The need for this new program is great since the old ways have not worked. However, as I have frequently pointed out, our budget constraints at this time are also significant. Our program, therefore, will be phased in such a way that it will not increase subsidy expenditures during the rest of fiscal year 1970 and will require only a modest increase for fiscal year 1971. We can thus begin to rebuild our fleet and at the same time meet our fiscal responsibilities.

THE SHIPBUILDING INDUSTRY

Our shipbuilding program is designed to meet both of the problems which lie behind the recent decline in this field: low production rates and high production costs. Our proposals would make it possible for shipbuilders to build more ships and would encourage them to hold down the cost of each vessel. We believe that these two aspirations are closely related. For only as we plan a major long-range building program can we encourage builders to standardize ship design and introduce mass production techniques which have kept other American products competitive in world markets. On the other hand, only if our builders are able to improve their efficiency and cut their costs can we afford to replace our obsolescent merchant fleet with American-built vessels. These cost reductions are essential if our ship operators are to make capital investments of several billion dollars over the next ten years to build new, high-technology ships.

Our new program will provide a substantially improved system of construction differential subsidies, payments which reimburse American shipbuilders for that part of their total cost which exceeds the cost of building in foreign shipyards. Such subsidies allow our shipbuilders—despite their higher costs—to sell their ships at world market prices for use in our foreign trade. The important features of our new subsidy system are as follows:

1. We should make it possible for industry to build more ships over the next ten years, moving from the present subsidy level of about ten ships a year to a new level of thirty ships a year.

2. We should reduce the percentage of total costs which are subsidized. The government presently subsidizes up to 55 percent of a builder's total expenses for

a given vessel. Leaders of the shipbuilding industry have frequently said that subsidy requirements can be reduced considerably if they are assured a long-term market. I am therefore asking that construction differential subsidies be limited to 45 percent of total costs in fiscal year 1971. That percentage should be reduced by 2 percent in each subsequent year until the maximum subsidy payment is down to 35 percent of total building expenses.

We are confident that the shipbuilding industry can meet this challenge. If the challenge is not met, however, then the Administration's commitment to this part of our program will not be continued.

3. Construction differential subsidies should be paid directly to shipbuilders rather than being channeled through shipowners as is the case under the present system. A direct payment system is necessary if our program is to encourage builders to improve designs, reduce delays, and minimize costs. It will also help us to streamline subsidy administration.

4. The multi-year procurement system which is now used for other government programs should be extended to shipbuilding. Under this system, the government makes a firm commitment to build a given number of ships over a specified and longer period of time, a practice which allows the industry to realize important economies of scale and to receive lower subsidies.

5. The increased level of ship construction will require a corresponding increase in the level of federally insured mortgages. Accordingly, we should increase the ceiling on our present mortgage insurance programs from $1 billion to $3 billion.

6. We should extend construction differential subsidies to bulk carriers, ships which usually carry ore, grain, or oil and which are not covered by our present subsidy program.

7. A Commission should be established to review the status of the American shipbuilding industry, its problems, and its progress toward meeting the challenge we have set forth. The Commission should report on its findings within three years and recommend any changes in government policy which it believes are desirable.

THE SHIP OPERATING INDUSTRY

My comments to this point have related to the building of merchant vessels. The other arm of our maritime policy is that which deals with the operation of these ships. Here, too, our new program offers several substantial improvements over the present system.

1. Operating differential subsidies should be continued only for the higher wage and insurance costs which American shipping lines experience. Subsidies for maintenance and repair and for subsistence should be eliminated. Instead of paying the difference between the wages of foreign seamen and actual wages on American ships, however, the government should compare foreign wages with prevailing wage levels in several comparable sectors of the American economy. A policy which ties subsidies to this wage index will reduce subsidy costs and provide an incentive for further efficiencies. Under this system, the operator would no longer lose in subsidies what he saves in costs. Nor would he continue to be reimbursed through subsidies when his wage costs rise to higher levels.

2. At the same time that we are reducing operating subsidies, it is appropriate that we eliminate the "recapture" provisions of the Merchant Marine Act of 1936. These provisions require subsidized lines to pay back to the government a portion of profits. If the recapture provisions are removed, the purpose for which they were designed will be largely accomplished by corporate taxes, which were at much lower rates when these provisions were instituted. We will also save the cost of administering recapture provisions.

3. Many bulk carriers presently receive indirect operating subsidies from the Government because of the statutory requirement that certain Government cargoes must be shipped in U.S. vessels at premium rates. When the Department of Agriculture ships grain abroad, for example, it pays higher rates out of its budget than if it were allowed to ship at world market rates. We will propose a new, direct subsidy system for such carriers, thus allowing us to phase out these premium freight rates and reduce the costs of several nonmaritime Government programs.

4. Ship operators now receiving operating differential subsidies are permitted to defer Federal tax payments on reserve funds set aside for construction purposes. This provision should be extended to include all qualified ship operators in the foreign trade, but only for well-defined ship replacement programs.

5. Past Government policies and industry attitudes have not been conducive to cooperation between labor and management. Our program will help to improve this situation by ending the uncertainty that has characterized our past maritime policy. Labor and management must now use this opportunity to find ways of resolving their differences without halting operations. If the desired expansion of merchant shipping is to be achieved, the disruptive work stoppages of the past must not be repeated.

6. The larger capital investment necessary to construct a modern and efficient merchant fleet requires corresponding port development. I am therefore directing the Secretary of Commerce and the Secretary of Transportation to work with related industries and local governments in improving our port operations. We must take full advantage of technological advances in this area and we should do all we can to encourage greater use of intermodal transportation systems, of which these high-technology ships are only a part.

EQUAL EMPLOYMENT OPPORTUNITIES

The expansion of American merchant shipbuilding which this program makes possible will provide many new employment opportunities. All of our citizens must have equal access to these new jobs. I am, therefore, directing the Secretary of Commerce and the Secretary of Labor to work with industry and labor organizations to develop programs that will insure all minority groups their rightful place in this expansion.

RESEARCH AND DEVELOPMENT

We will also enlarge and redirect the maritime research and development activities of the Federal government. Greater emphasis will be placed on practical applications of technological advances and on the coordination of Federal programs with those of industry.

The history of American commercial shipping is closely intertwined with the history of our country. From the time of the Colonial fishing sloops, down through the great days of the majestic clipper ships, and into the new era when steam replaced the sail, the venturesome spirit of maritime enterprise has contributed significantly to the strength of the nation.

Our shipping industry has come a long way over the last three centuries. Yet, as one of the great historians of American seafaring, Samuel Eliot Morrison, has written: "all her modern docks and terminals and dredged channels will avail nothing, if the spirit perish that led her founders to 'trye all ports.'" It is that spirit to which our program of challenge and opportunity appeals.

It is my hope and expectation that this program will introduce a new era in the maritime history of America, an era in which our shipbuilding and ship operating industries take their place once again among the vigorous, competitive industries of this nation.

RICHARD NIXON.

THE WHITE HOUSE, *October 23, 1969.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Philip C. Wilkins, of California, to be U.S. District Judge for the eastern district of California, which was referred to the Committee on the Judiciary.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

COMMENDATION OF SENATORS ON PASSAGE YESTERDAY OF EXPORT EXPANSION ACT

Mr. MANSFIELD. Mr. President, regrettably, I had to leave the Senate nec-

essarily yesterday prior to the vote on the passage of S. 2696, the export expansion measure. Fortunately, I was able to witness a large portion of the discussion and can say unequivocally that the bill managers—the distinguished Senators from Maine and Minnesota (Mr. MUSKIE and Mr. MONDALE) joined with great legislative skill and ability to defend the measure reported by the Committee on Banking and Currency and steer it on to its successful passage.

With this achievement, may I say, Senator MUSKIE and Senator MONDALE have marked themselves as a legislative team of unexcelled capacity in the Senate. Their strong advocacy and devoted efforts have added great distinction to already abundant records of outstanding public service.

The distinguished Senator from Utah (Mr. BENNETT) is equally to be commended for his splendid cooperation and for offering his own strong and sincere views on the question of developing new dimensions in our trade policies with other nations. Though the Senate voted a broader foreign trade posture for the Nation, it is not to say that the position of Senator BENNETT, Senator TOWER, and others was not urged competently and effectively.

The Senate, I think, can be justly commended for disposing of the export expansion proposal yesterday and for acting expeditiously and with full regard for the views of all Members.

EXECUTIVE SESSION

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

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

The PRESIDENT pro tempore. The nominations on the executive calendar will be stated.

DEPARTMENT OF COMMERCE

The bill clerk read the nomination of Harold C. Passer, of New York, to be an Assistant Secretary of Commerce.

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

FEDERAL POWER COMMISSION

The bill clerk read the nomination of Albert Bushong Brooke, Jr., of Maryland, to be a member of the Federal Power Commission.

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

FEDERAL MARITIME COMMISSION

The bill clerk read the nomination of James V. Day, of Maine, to be a Federal Maritime Commissioner.

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

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The bill clerk proceeded to read sundry nominations in the Environmental Science Services Administration.

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

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

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

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

LEGISLATIVE SESSION

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

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

FILIPINO SOLDIERS IN VIETNAM

Mr. SYMINGTON. Mr. President, in the Washington Daily News of yesterday, October 22, appeared an editorial entitled "Filipino Soldiers in Vietnam." The first two paragraphs of that editorial read as follows:

An under-the-table tussle is going on between the Nixon Administration and Senator Stuart Symington's Foreign Relations sub-committee. The issue: whether to make public the terms under which the Philippines sent 2,000 troops to South Vietnam in 1966 to aid the Allied effort.

Despite the Administration's wishes, the sub-committee's findings will be published (or leaked) fairly soon.

That is not correct.

For some time there has been agreement between the State Department and the Subcommittee on Foreign Commitments as to what testimony with respect to the Philippines could be published and what could not. But, at the request of the State Department, the publication of this testimony will be held until after the Filipino elections—that is, November 11.

As to the contents of that transcript, the author of the editorial should either check back with his source or wait until it is released before making statements as to what subcommittee members said concerning the facts developed.

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

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

FILIPINO SOLDIERS IN VIETNAM

An under-the-table tussle is going on between the Nixon Administration and Sen. Stuart Symington's Foreign Relations subcommittee. The issue: whether to make public the terms under which the Philippines sent 2,000 troops to South Vietnam in 1966 to aid the Allied effort.

Despite the Administration's wishes, the sub-committee's findings will be published (or leaked) fairly soon. They will show that the United States increased military aid to Manila and is paying part of the cost of maintaining the Filipino battalion in Vietnam.

It doesn't take a crystal ball to predict what comes next. The political and journalistic opposition to the Vietnam war will leap on the disclosure, charging that we are using Filipino troops and larger numbers of South Koreans as "mercenaries."

Before the howling starts, it might be useful to make a few small points.

One is that you can agree or disagree with Lyndon Johnson's decision to intervene massively in Vietnam. But that after he made it, it was only normal to try to get as much Allied help there as possible.

Furthermore it was in the self-interest of the Philippines and South Korea to help stop Communism from developing a victorious momentum in Southeast Asia. To suggest that they sent troops to Vietnam merely for Yankee dollars is a smear.

Both countries, in fact, have special historic and security ties to the United States and would continue to get economic and military aid whether they fought in Vietnam or not. That they used Mr. Johnson's request for troop contributions to get additional aid is neither sinister nor mercenary.

It is a natural political reaction and most countries would do the same. The sub-committee should not act shocked. Has no member accepted a campaign contribution after doing someone a favor?

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

Mr. SYMINGTON. I am glad to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, for the RECORD, I think it should be stated that, at my request, the distinguished chairman of the subcommittee has given me an opportunity to go over some of the hearings which I had missed attending and I want to thank him publicly for his graciousness, as always, in that instance.

Mr. SYMINGTON. Mr. President, the able majority leader is very kind. We have the honor to have him on our subcommittee. We know of his knowledge with respect to that part of the world, and, as always, he has been most constructive and helpful in the work we are trying to do.

IS VICE PRESIDENT AGNEW BECOMING A SECURITY RISK?

Mr. YOUNG of Ohio. Mr. President, it was with amazement that I read on the front page of the Washington Post of today that Vice President AGNEW yesterday charged our colleague Senator EDMOND S. MUSKIE of Maine, "with playing Russian roulette with U.S. security." This for the reason Senator MUSKIE had proposed a 6-month unilateral halt in multiple warhead—MIRV—tests.

Well, now the senior Senator from Ohio is beginning to wonder if our Vice President is afflicted with some virulent form of foot-and-mouth disease. The Vice President's penchant for intemperate remarks, to use a charitable term, was at one time a source of amusement for Americans. His statements during the campaign and since caused him to be considered somewhat of a national jester. However, it is no laughing matter when a jester who happens to be Vice

President of the United States begins to take himself seriously and to impugn the patriotism of millions of Americans, including one of our most distinguished national leaders, the junior Senator from Maine, Senator ED MUSKIE, a former Governor of that great State and presently serving his second term as U.S. Senator.

It is true that our distinguished colleague, Senator ED MUSKIE, the Democratic nominee for Vice President in last year's election, recently suggested that it would be a wise action on our part to halt MIRV tests as this would be an encouraging step to stimulate Soviet-American efforts "to control the escalation of nuclear weapon systems before it is too late." Our Vice President denounced Senator MUSKIE's proposal as "a classic example of confused thinking."

It is astounding that the Vice President, who evidently likes to see his name in print, denounces our distinguished colleague Senator MUSKIE in terms that imply that he is a security risk. I repudiate Vice President AGNEW's conclusion, that "no responsible person would propose that the President play Russian roulette with U.S. security, yet that is what Senator MUSKIE just did."

The PRESIDENT pro tempore. The Chair regretfully advises the Senator from Ohio that his time has expired.

Mr. YOUNG of Ohio. I ask unanimous consent that I may proceed for 5 additional minutes.

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

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

Mr. YOUNG of Ohio. I yield.

Mr. MANSFIELD. Before the Senator continues, may I call to his attention the fact that there is now in the Committee on Foreign Relations a resolution seeking to do what I understand the distinguished junior Senator from Maine advocated. If my memory serves me correctly, it was submitted by the distinguished Senator from Massachusetts (Mr. BROOKE), and has 42 cosponsors.

It would be my suggestion that, perhaps, in order to get this matter out of the stage of semantics, it would be well for the chairman of the Committee on Foreign Relations and the ranking Republican member, the distinguished Senator from Vermont (Mr. AIKEN), to consider holding hearings on this matter as soon as it is appropriately possible.

Mr. YOUNG of Ohio. I express my thanks to the distinguished majority leader. I concur in his suggestion, and I am very glad that he has spoken on this subject.

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

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. YOUNG of Ohio. Mr. President, I yield to the Senator without losing my right to the floor.

Mr. CHURCH. Mr. President, I wish to commend the distinguished Senator for his typically forthright statement this morning.

It seems to me that anyone who is genuinely concerned, not only with the security of the country, but also the survival of the human race has reason to question the MIRV weapon. This weapon could easily be the doomsday weapon which takes us beyond the point where any effective control of the arms race is any longer possible. That is a grave matter indeed, when one considers the potential for destruction involved in these weapons and the importance of bringing them within control, if this is at all possible.

Mr. President, I commend the Senator from Maine for having come forth, as he did, with his proposals. As the distinguished majority leader has pointed out, many other Senators on both sides of the aisle feel the same way. For their concern to be characterized as playing Russian roulette seems to me to be beneath the dignity and responsibility of the office of the Vice President of the United States.

Mr. YOUNG of Ohio. Mr. President, I thank the distinguished Senator from Idaho and am in complete agreement with the views he expressed.

Last Sunday the Vice President apparently had another attack of foot-and-mouth disease. At that time he stated that the Vietnam moratorium demonstration was the work of "impudent snobs who characterized themselves as intellectuals."

The truth is that the Vietnam moratorium was the largest, most broadly based demonstration against our policies in intervening on a huge scale and involving more than 500,000 men of our Armed Forces in a civil war in South Vietnam and waging an immoral, undeclared war in a small distant country of no importance whatsoever to the defense of the United States. This was a peaceful demonstration in accord with American tradition and specifically sanctioned in our Constitution in the Bill of Rights which we Americans revere. On moratorium day, October 15, millions of Americans stayed away from work, school, and home to talk, listen, and above all to demonstrate to administration leaders a broad-based demand for immediate peace in Vietnam. Probably 30 million American men, women, and their daughters and sons of high school and college age participated in that peaceful demonstration.

The Vice President's vicious attack on those who participated in the moratorium deeply offended millions of Americans who did nothing more than exercise their constitutional right. Furthermore, his remarks constituted a personal insult to those Members of the Congress, including the senior Senator from Ohio, and a number of other Senators, who encouraged and endorsed this peaceful demonstration of the overwhelming sentiment in the Nation for peace.

Over the years, by tradition the Vice-Presidency of the United States is an office in which the incumbent has very little to do and, in fact, no constitutional duty at all other than to preside over the Senate and to cast his deciding vote in event of a tie. The Nation has been blessed with many outstanding Vice Presidents who through the force of their character and ability have expanded the scope and influence of that high office. It seems clear, however, that for the good of our Nation, the incumbent should limit himself to his constitutional obligations and duties.

Unfortunately, Americans in New Orleans listened to the Vice President say regarding the Vietnam moratorium:

> If the Moratorium had any use whatever, it served as an emotional purgative for those who feel the need to cleanse themselves of their lack of ability to offer a constructive solution to the problem.
>
> A spirit of national masochism prevails, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals. It is in this setting of dangerous oversimplification that the war in Vietnam achieves its greatest distortion.
>
> Great patriots of past generations would find it difficult to believe that Americans would ever doubt the validity of America's resolve to protect free men from totalitarian attack. Yet today we see those among us who prefer to side with an enemy aggressor rather than stand by this free nation.

He assailed the patriotism and integrity of those participating in a peaceful march against the Vietnam war which has brought such terrible tragedy in the snuffing out of priceless lives of 50,000 Americans and the maiming and injury of 260,000 wounded in combat. This in addition to lives of our servicemen lost in what the Pentagon terms "accidents and incidents."

The PRESIDENT pro tempore. The time of the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

(At this point, Mr. MCINTYRE assumed the chair.)

Mr. YOUNG of Ohio. Mr. President, President Nixon, according to news reports, spent a routine day in the White House on October 15. However, it is safe to say that when he looked out of the White House windows and saw the thousands of men and women marching for peace and for immediate withdrawal of our Armed Forces from Vietnam, he must have been deeply impressed. If the President is sincere in his desire to bring an end to our involvement in Vietnam—and I believe he is—then he should repudiate the virulent attack of his Vice President on those who participated in the moratorium.

In that connection, the President should also repudiate Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff, for speaking out in the same manner in support of the views of Vice President AGNEW. General Wheeler had the effrontery to denounce the moratorium day demonstrators as "people who need a bath." Is this the sort of "intelligence" the Chairman of the Joint Chiefs of Staff of our Armed Forces receives? Is it any wonder that our involvement in Vietnam has been such a tragedy to Americans when over the years Gen. Earle Wheeler is one of those who bears the most responsibility for the debacle? His statement is not only untruthful, but it manifests the irresponsibility on the part of many generals and admirals of our Armed Forces that has contributed to the disaffection and dis-

illusionment of so many millions of Americans. General Wheeler may in the past have fooled some generals. Also a President. I feel certain that his statement will not mislead President Nixon. I feel certain that our President must have looked out of the White House window and witnessed the long line of marchers peacefully participating in this demonstration, citizens from all walks of life desiring to express their feelings to their leaders, in the finest tradition of our Nation. It is high time that General Wheeler learned that it is the responsibility of generals to defend the Nation, not to make national policy, not to assail the patriotism of citizens.

Now, with Mr. AGNEW in effect denouncing Senator MUSKIE as a security risk and General Wheeler making this asinine statement, Americans should be justified in asking President Nixon, "Are men such as Mr. AGNFW and General Wheeler the real security risks?"

Mr. DOLE subsequently said: Mr. President, in view of the remarks of the Senator from Ohio (Mr. YOUNG), I wish to point out for the RECORD that Senate Resolution 211, introduced by Senator BROOKE and other Senators, concerning MIRV, does not call for unilateral cessation of testing. It talks of negotiated treaties with the Soviet Union with regard to MIRV's and other reentry vehicles.

There might have been an inference left that the Vice President unjustly criticized Senator MUSKIE because some reference was made to MIRV. Senate Resolution 211 refers to negotiated agreements with the Russians with respect to MIRV, and not a unilateral cessation of testing.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. On behalf of the Vice President and pursuant to Public Law 83-420, the Chair appoints the Senator from Texas (Mr. YARBOROUGH) to be a member of the board of directors of Gallaudet College, in lieu of former Senator Brewster.

A NEW PRESCRIPTION NEEDED FOR LATIN AMERICA

Mr. CHURCH. Mr. President, recent developments in Bolivia dramatically call attention once more to the steadily deteriorating position of the United States in Latin America.

To paraphrase the old World War II joke—which in this context is not very funny—another one of our oil companies is missing.

The scenario which we see unfolding in Bolivia looks very much like an instant replay of what we saw earlier in Peru—a military government comes to power in an illegal coup d'etat and then seeks to consolidate its political base through demagogic appeals to anti-Americanism by seizing a large American-owned company. The principal difference between the Peruvian and the Bolivian cases is that whereas the Peruvian expropriation of the International Petroleum Co. climaxed a dispute of many years, the Bolivian expropriation of the Gulf Oil Co. comes after a period of reasonably good relations.

It also comes almost on the eve of the much-heralded announcement of the Nixon administration's Latin American policy—after being in office for more than 9 months and after a series of turbulent trips to Latin countries by the President's special emissary, Gov. Nelson Rockefeller.

Whatever policy the President announces will be no better than the analysis of the problems with which it is designed to deal. The gravity of these problems can scarcely be overstated. Is it not the saddest of commentaries that popular feeling against the United States south of our borders has grown to such an extent that the surest way to gain public favor is to seize an American-owned company?

We seriously mislead ourselves if we attribute these actions and attitudes to a spread of communism or Castroism. Such a facile analysis completely overlooks the really significant political change currently taking place in Latin America, which is the rise of a kind of Nasserism. This phenomenon has nothing to do with Castro, and anybody who thinks it does is 10 years behind the times. General Ovando, who nationalized the Gulf Oil Co. in Bolivia, is the same man who, almost exactly 2 years before, reputedly gave the order for the killing of Che Guevara. He is also the same man who, scarcely 6 months before, was being wined and dined in Washington as the guest of the Chief of Staff of the U.S. Army.

Surely this should tell us something about the bankruptcy of our past policies. The real threat to our national interest in Latin America does not come from Havana—or from Moscow, either, for that matter. Nor, it should be abundantly apparent by now, is the Latin American military a reliable instrument to preserve or protect our best interests. Nor, it should be equally apparent, is the U.S. foreign aid program. In the period 1962 through 1968, Bolivia received a grand total of $290 million in U.S. foreign assistance of all kinds. This amounts to something more than $70 for every Bolivian—in a country with a per capita gross national product of only $140.

Yet these have been the mistaken bases of U.S. policy toward Latin America in the recent past—a phobia about the threat of communism, a reliance on the military to provide stability, and a belief that with foreign aid we could somehow buy ourselves added influence and favor. On all counts, our fears have been exaggerated and our reliance misplaced.

We are witnessing an entirely new phenomenon in Latin America and one which is contrary to many widely held North American conceptions. I hope very much that the policy which the President is going to announce next week will really be a new policy and not a restatement of the old policy which has produced such negative results. Failing a fundamental reassessment of what has gone wrong and why, the same old prescription will serve no better in the future, if the only change is to stick a fancy new label on—and propose increased dosages from—the same old AID bottle.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the community action program and selected manpower programs under titles I and II of the Economic Opportunity Act of 1964, Los Angeles County, Calif., Office of Economic Opportunity, Department of Labor, dated October 23, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for increasing the effectiveness of the conservation operations program, Soil Conservation Service, Department of Agriculture, dated October 22, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Collbran Job Corps Civilian Conservation Center under the Economic Opportunity Act of 1964, Collbran, Colo., Department of the Interior, Office of Economic Opportunity, dated October 21, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unused engineering and design effort in the military construction program. Department of Defense, dated October 22, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of New Orleans, La., praying for the enactment of legislation to correct deficiencies in the hurricane protection system; to the Committee on Public Works.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2314. A bill to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age (Rept. No. 91-497).

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. STENNIS. Mr. President, from the Committee on Armed Services, I report

favorably the nominations of 1,378 captains and 120 first lieutenants, for temporary appointment in the Marine Corps.

Since these names have already been printed in the CONGRESSIONAL RECORD, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

Joseph C. Abrams, and sundry other officers, for appointment in the Marine Corps.

BILLS INTRODUCED

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

By Mr. BYRD of West Virginia:

S. 3064. A bill for the relief of Dr. Rogelio T. Lim; to the Committee on the Judiciary.

By Mr. METCALF (for himself, Mr. BURDICK and Mr. MOSS):

S. 3065. A bill to amend the Rural Electrification Act of 1936, as amended, in order to authorize loans under such act to be made in the territory of Guam without regard to certain limitations prescribed by such act; to the Committee on Agriculture and Forestry.

By Mr. MOSS:

S. 3066. A bill to facilitate the entry into the United States of aliens who are underground hard-rock miners; to the Committee on the Judiciary.

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

By Mr. METCALF:

S. 3067. A bill to amend title 44, United States Code, to provide for consumer, labor and small business representation on advisory committees under the coordination of Federal Recording Services, and for other purposes; to the Committee on Government Operations.

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

By Mr. MCGOVERN (for himself, Mr. YARBOROUGH, Mr. BURDICK, Mr. JACKSON, Mr. NELSON, Mr. EAGLETON, Mr. HARRIS, Mr. HUGHES, Mr. MANSFIELD, Mr. MCGEE, Mr. METCALF, Mr. MONDALE, and Mr. MOSS):

S. 3068. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture and Forestry.

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

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

S. 3069. A bill to authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. MILLER (for himself, Mr. DOLE, Mr. EASTLAND, Mr. HOLLINGS, Mr. JORDAN of North Carolina, and Mr. YOUNG of North Dakota):

S. 3070. A bill to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest; to the Committee on Agriculture and Forestry.

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

S. 3066—INTRODUCTION OF A BILL RELATING TO VISAS FOR HARD-ROCK MINERS

Mr. MOSS. Mr. President, I introduce a bill which provides that during the 2 years after its enactment no alien shall be ineligible to receive a visa or excluded from admission into the United States under section 212(a)(14) of the Immigration and Nationality Act if such alien is to be employed as an underground hard-rock miner upon entry into the United States.

I am doing this to make it possible for the hard-rock mining companies in my State of Utah, and elsewhere, to recruit hard-rock miners overseas and bring them to the United States. I have been advised that there are not enough domestic workers available to meet the needs of these mining companies.

The companies have sought to have such workers placed on the schedule C, Pre-Certification Division of the Immigration and Naturalization Service without any success. The Immigration Service has taken the position that there are hard-rock miners available at Calumet, Mich., but the companies inform me that they have attempted to recruit the Calumet miners without success. They now feel they must turn to manpower from overseas—in Mexico, the Scandanavian countries, and elsewhere. My bill is an attempt to help them do this.

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

The bill (S. 3066) to facilitate the entry into the United States of aliens who are underground hard-rock miners, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3067—INTRODUCTION OF A BILL TO PROVIDE FOR CONSUMER, SMALL BUSINESS, AND LABOR REPRESENTATION ON BUDGET BUREAU ADVISORY COMMITTEES

Mr. METCALF. Mr. President, I introduce, for appropriate reference, a bill to amend the Federal Reports Act of 1942 so as to provide for consumer, small business, and labor representation on Budget Bureau advisory committees.

These advisory committees are presently coordinated through the Advisory Council on Federal Reports, which refers to itself as "the official business consultant" to the Bureau of the Budget. This Council, in the words of Robert H. North, chairman of the private Fund Q Committee, through which this advice to the Government is funded, "is wholly business oriented, being sponsored and financed by associations through the American Society of Association Executives and other respected business organizations."

The Council has arranged appointment of the following 16 advisory committees:

Air Transportation, Banking, Chemicals, Equal Employment Opportunity Surveys, Fats and Oils, Meat Packing, Natural Gas Pipelines, Petroleum and Natural Gas, Public Utilities—Coordinating Committee, Public Utilities—Financial Reports, Public Utilities—Operating Reports, Radio and Television Broadcasting, Railroad Reports to Federal Agencies, Retail Trades, Scientific and Research Activities, and Wholesale Trades.

Mr. President, so often in Government-business relationships, the original and laudable purpose of legislation is altered drastically through the years. That is true in this case. I know of no statutory basis for the claim of the Fund Q Committee that the Advisory Council on Federal Reports is the "official business consultant to the Federal Bureau of the Budget."

The legislation upon which the Council bases its advisory role—Public Law 77-831, second session—does not create such an advisory council. That law, the Federal Reports Act of 1942, was designed to cut down on unnecessary paperwork and questionnaires, especially those affecting small businesses, and maximize the usefulness of information collected by one agency to other Federal agencies and the public.

The Bureau of the Budget, which administers the act, says it seeks "the benefit of advice by interested parties outside the Government—those interested either as consumers of data or as respondents to the inquiry." Yet, you will find neither small businessmen nor consumer representatives on the committees which advise the Budget Bureau.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, the name, affiliation, and title of each member of 15 Budget Bureau advisory committees, as of September 23, 1969. The membership of the 16th committee, on air transportation, is being revised, the Budget Bureau tells me, and is not presently available. I invite all readers to try to find one real, live small businessman or labor or consumer representative on any of these 15 committees, from the Banking Committee's Chairman Charles Agemian, executive vice president of Chase Manhattan Bank, to the Wholesale Trade Committee's Harold O. Smith, Jr., executive vice president of the U.S. Wholesale Grocers Association.

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

ADVISORY COUNCIL ON FEDERAL REPORTS

(Roster for 1969, updated as of Sept. 23, 1969)

Chairman: Charles W. Stewart.

Vice Chairman: Leo V. Bodine, Carl H. Madden, Robert H. North.

Treasurer: G. H. Gaynor.

Executive Secretary: Russell Schneider.

AMERICAN RETAIL FEDERATION

A. Arthur Charous, Manager, Division of Economic Research, Sears, Roebuck and Company, Chicago, Ill.

Eugene A. Keeney, Executive Vice President, American Retail Federation, Washington, D.C.

Herbert S. Landsman, Executive Vice President, Federated Department Stores, Inc., Cincinnati, Ohio.

AMERICAN SOCIETY OF ASSOCIATION EXECUTIVES

William E. Dunn, Executive Director, Associated General Contractors of America, Washington, D.C.

James G. Ellis, Washington Office, Automobile Manufacturers Assn., Washington, D.C.

Robert H. North, Executive Vice President, International Association of Ice Cream Manufacturers, Washington, D.C.

CHAMBER OF COMMERCE OF THE UNITED STATES

G. H. Gaynor, Executive Assistant, United States Steel Corporation, Pittsburgh, Pennsylvania.

Carl H. Madden, Chief Economist, Chamber of Commerce of the U.S., Washington, D.C.

Albert G. Matamoros, Chief Economist, Armstrong Cork Company, Lancaster, Pennsylvania.

FINANCIAL EXECUTIVES INSTITUTE

Carl M. Blumenschein, Senior Vice President, Finance, Container Corporation of America, Chicago, Illinois.

Daniel W. Potter, Treasurer & Secretary, Raymond Engineering, Inc., Middletown, Connecticut.

James J. Rutherford, Managing Director, Financial Executives Institute, New York, New York.

NATIONAL ASSOCIATION OF MANUFACTURERS

Leo V. Bodine, Executive Vice President, National Association of Manufacturers, Washington, D.C.

Wayne E. Kuhn, Omark Industries, Inc., Portland, Oregon.

Robert H. Stewart, Jr., Manager, General Economics, Planning & Economics Department, Gulf Oil Corporation, Pittsburgh, Pennsylvania.

Members-at-large

Burton N. Behling, Vice President, Association of American Railroads, Washington, D.C.

William H. Finigan, Director, Marketing Research, The National Cash Register Company, Dayton, Ohio.

E. W. Gaynor, Comptroller, Parts Division, Chrysler Corporation, P.O. Box 1718, Detroit, Michigan.

Robert S. Quig, Vice President, Ebasco Services Incorporated, Two Rector Street, New York, New York.

Charles W. Stewart, President, Machinery & Allied Products Institute, Washington, D.C.

Vincent T. Wasilewski, President, National Association of Broadcasters, Washington, D.C.

N. R. Wenrich, Manager, Business Research, Merck & Company, Inc., Rahway, New Jersey.

Active past chairmen

T. M. Brennan (1962–1965), 47 Dogwood Lane, Rockville Centre, New York.

Jos. F. Miller (1965–1968), Executive Vice President, National Electrical Manufacturers Association, New York, New York.

T. G. Redman (1959–1961), Vice President, Swift and Company, Chicago, Illinois.

T. E. Veltfort (1950–1952), Managing Director, Copper & Brass Fabricators Council, Inc., New York, New York.

Merrill A. Watson (1956–1958), President, National Footwear Manufacturers Association, New York, New York.

COMMITTEE ON AIR TRANSPORTATION

Scope: To advise the Bureau of the Budget with regard to opportunities for paperwork reduction in reporting and record keeping requirements of Federal agencies and on any opportunities to effect improvements in the accuracy and usefulness of Federal statistics.

Budget Bureau Staff Assigned: Harry B. Sheftel.

Membership being revised.

COMMITTEE ON BANKING

Scope: To advise the Bureau of the Budget on Federal reporting and record retention requirements for the purpose of reducing the burden imposed upon the banking industry and to improve statistical and other information to be collected by Federal agencies.

Budget Bureau Staff Assigned: Edward T. Crowder.

Chairman

Charles A. Agemian, Executive Vice President, The Chase Manhattan Bank, New York, N.Y.

Secretary

Franklin A. Gibbons, Jr., Vice President and Comptroller, The Riggs National Bank, Washington, D.C.

Members

Thomas R. Atkinson, Deputy Manager, The American Bankers Association, New York, N.Y.

C. H. Baumhefner, Executive Vice President, Bank of America, NT&SA, San Francisco, Calif.

Frank Forester, Jr., Vice President and Comptroller, Morgan Guaranty Trust Company, New York, N.Y.

Denton A. Fuller, President, Liberty Trust Company, Cumberland, Md.

Saul B. Klaman, Director of Research, National Association of Mutual Savings Banks, New York, N.Y.

Wesley Lindow, Executive Vice President and Secretary, Irving Trust Company, New York, N.Y.

Arthur Ringler, Executive Vice President, Chemical Bank New York Trust Co., New York, N.Y.

Edward T. Shipley, Comptroller, Wachovia Bank & Trust Company, Winston-Salem, N.C.

Mr. Paul L. Smith, Senior Vice President, Security First National Bank, Los Angeles, Calif.

Walter F. Thomas, Executive Vice President, Manufacturers Hanover Trust Company, New York, N.Y.

Wm. T. Heffelfinger, American Bankers Association, Washington.

COMMITTEE ON CHEMICALS

Scope: To advise the Bureau of the Budget in regard to opportunities to reduce the paperwork burden on industry resulting from the reporting and record-keeping requirements of the Federal agencies, and to make recommendations to improve the accuracy and usefulness of Federal statistics.

Budget Bureau Staff Assigned: Harold T. Lingard.

Chairman

N. R. Wenrich, Manager of Business Research, Merck & Company, Inc., Rahway, New Jersey.

Secretary

Marjorie V. Campbell (Miss), Director, Information Service, Manufacturing Chemists' Association, Washington, D.C.

Members

Crayton K. Black, Manager—Trade Relations, Dyes & Chemical Division, Organic Chemicals Department, E. I. du Pont de Nemours & Co., Inc., Wilmington, Delaware.

Morse G. Dial, Jr., Regional Vice President, Union Carbide Corporation, Washington, D.C.

Dr. Jack D. Early, Monsanto Company, Washington, D.C.

Dr. Aimison Jonnard, Manager—Long Range Planning, Esso Chemical Co., Inc., New York, New York.

W. D. Kavanaugh, Manager, Washington Office, American Cyanamid Company, Washington, D.C.

Lewis E. Lloyd, Economist, The Dow Chemical Company, Midland, Michigan.

John J. O'Donnell, Tax Attorney, Allied Chemical Corporation, New York, New York.

COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY SURVEYS

Scope: To advise the Bureau of the Budget on problems which will arise in connection with equal employment opportunity reporting and record keeping requirements and special surveys, and to make recommendations as to ways of avoiding or minimizing such problems.

Budget Bureau Staff Assigned: Karen Nelson.

Chairman

G. H. Gaynor, retired, not replaced.

Members

W. L. Barnes, Assistant Director, Personnel Services, North American Aviation, Inc., El Segundo, California.

Joseph E. Baudino, Vice President, Westinghouse Broadcasting Company, Washington, D.C.

Harry S. Benjamin, Jr., Director, Legal Staff, General Motors Corporation, Detroit, Michigan.

Charles G. Caffrey, Washington Representative, American Textile Manufacturers Institute, Washington, D.C.

David D. Doughty, Counsel, Personnel Relations Conference, Air Transport Association, Washington, D.C.

Paul M. Hawkins, Counsel, Health Insurance Association of America, Washington, D.C.

Arthur F. Hintze, Director, Government Labor Relations Service, Associated General Contractors, Washington, D.C.

Alfred E. Langenbach, Vice President, First National Bank, Chicago, Illinois.

W. R. Hill, Jr., Manager, Payroll Administration, Public Service Electric & Gas Co., Newark, New Jersey.

S. W. Mahon, Westinghouse Electric Corporation, 3 Gateway Center, Pittsburgh, Pa.

Donn R. Marston, Machinery & Allied Products Institute, Washington, D.C.

Lambert H. Miller, General Counsel, National Association of Manufacturers, Washington, D.C.

Charles F. Mulligan, Senior Statistician, Eastman Kodak Company, Rochester, New York.

Eugene F. Rowan, Director, Personnel Relations, J. C. Penney Company, Inc., New York, N.Y.

Melvin Sandler, Director, Employee Relations, American Hotel & Motel Association, New York, N.Y.

S. W. Seeman, Assistant Vice President, Personnel Administration, Penn Central Company, Philadelphia, Pa.

Mrs. Jean Sisco, Divisional Vice President, Personnel & Industrial Relations, Woodward & Lothrop, Washington, D.C.

Robert H. Stewart, Jr., Manager, General Economics Planning & Economics Department, Gulf Oil Corporation, Pittsburgh, Pa.

N. R. Wenrich, Manager, Business Research, Merck & Company, Inc. Rahway, New Jersey.

Don White, Employee Relations Counsel, American Retail Federation, Washington, D.C.

COMMITTEE ON FATS AND OILS

Scope: To advise the Bureau of the Budget concerning opportunities to reduce the paperwork burden imposed upon establishments engaged in the production, processing and consumption of oils, and to advise the Bureau on ways to improve Federal statistical programs to better serve the needs of government and industry users of Federal statistics.

Budget Bureau Staff Assigned: Harold T. Lingard.

Chairman

T. J. Totushek, Cargill, Incoporated, Minneapolis, Minnesota.

Members

Charles R. Bergstrom, Anderson, Clayton & Co., Inc., Houston, Texas.

Arval L. Erikson, Economic Advisor, Oscar Mayer & Company, Madison, Wisconsin.

Herbert Harris, Treasurer-Controller, National By-Products, Inc., Des Moines, Iowa.

Martin Hilby, Vice President, Riverside Industries, Marks, Miss.

C. H. Keirstead, The Glidden Company, Cleveland, Ohio.

Malcolm R. Stephens, President, Institute of Shortening & Edible Oils, Inc., Washington, D.C.

Harold V. Knight, Lever Brothers Company, New York, N.Y.

Harry H. Kriegel, J. Howard Smith, Inc., Fort Monmouth, New Jersey.

R. E. Miller, Buying Dept., Procter and Gamble Company, Cincinnati, Ohio.

J. W. Moore, Vice President, A. E. Staley Manufacturing Co., Decatur, Illinois.

Boardman Veazie, Commercial Research Dept., Swift and Company, Chicago, Illinois.

Donald B. Walker, Ralston-Purina, St. Louis, Missouri.

COMMITTEE ON MEAT PACKING

Scope: To advise the Bureau of the Budget on reporting, statistical, and record keeping problems arising from the requirements which Federal agencies propose for issuance to the meat packing industry, and to assist the Bureau of the Budget in developing needed statistical programs relating to the meat packing industry.

Budget Bureau Staff Assigned: Harold T. Lingard.

Chairman

T. G. Redman, retired, not replaced.

Secretary

J. Russell Ives, Director, Department of Marketing, American Meat Institute, Chicago, Illinois.

Members

A. C. Bruner, Treasurer, East Tennessee Packing Company, Knoxville, Tennessee.

Howard Dexter, Controller, The Rath Packing Company, Waterloo, Iowa.

Earl R. Frank, Comptroller, The E. Kahn's Sons Company, Cincinnati, Ohio.

J. W. Kelly, Office of Controller, Armour Foods, Armour and Company, Chicago, Illinois.

E. A. Holloway, Controller, Cudahy Company, Phoenix, Arizona.

Robert B. Hunter, Vice President & Treasurer, Tobin Packing Company, Inc., Rochester, N.Y.

J. B. Kilgore, Controller, Wilson & Company, Inc., Chicago, Illinois.

John Killick, Exec. Secretary, The National Independent Meat Packers Association, Washington, D.C.

L. J. Kurkowski, Controller, John Morrell & Company, Chicago, Illinois.

L. Blaine Liljenquist, President and General Manager, Western States Meat Packers Association, Washington, D.C.

Leonard H. Pedersen, Assistant Controller, Oscar Mayer & Co., Inc., Madison, Wisconsin.

Robert F. Potach, Controller, George A. Hormel & Co., Austin, Minn.

James W. Seifert, Controller, The Wm. Schluderberg-T. J. Kurdle Co., Baltimore, Maryland.

Jack B. Sullivan, Comptroller, Stark Wetzel & Company, Inc., Indianapolis, Indiana.

Wm. G. Torrace, V. P. & Controller, Hygrade Food Products Corp., Detroit, Michigan.

COMMITTEE ON NATURAL GAS PIPELINES

Scope: To advise the Bureau of the Budget on report forms and related record-keeping requirements issued by federal agencies to companies in the natural gas pipeline field in order to improve such forms and to make recommendations to simplify reporting requirements and reduce the burden of reporting.

Budget Bureau Staff Assigned: Harry B. Sheftel.

Chairman

E. H. Hasenberg, Natural Gas Pipeline Company of America, Chicago, Illinois.

Members

W. Page Anderson, Director, Rates and Certificates, Panhandle Eastern Pipe Line Co., Kansas City, Mo.

Daniel L. Bell, Jr., Columbia Gas System Service Corp., New York, N.Y.

I. D. Bufkin, Texas Eastern Transmission Corp., Houston, Texas.

William F. Cummer, United Gas Pipe Line Company, Shreveport, Louisiana. Alternate: J. D. McCarty, United Gas Pipe Line Co.

Robert L. Cramer, Florida Gas Transmission Co., Winter Park, Fla.

Theodore I. Gradin, American Gas Association, New York, New York.

B. K. Hoeldtke, El Paso Natural Gas Company, El Paso, Texas.

Harry A. Offutt, Treasurer, Consolidated Gas Supply Corp., Clarksburg, West Va.

C. W. Radda, Northern Natural Gas Company, Omaha, Nebraska.

Walter E. Rogers, Executive Director, Independent Natural Gas Association of America, Washington, D.C.

Robert H. Stewart, Jr., Manager, General Economics Gulf Oil Corporation, Pittsburgh, Pa.

COMMITTEE ON PETROLEUM AND NATURAL GAS

Scope: To advise the Bureau of the Budget on report forms relating to the petroleum and natural gas producing and processing industries; to reduce the burden imposed upon these industries as a result of Federal reporting and record-keeping requirements; and to advise the Bureau in connection with opportunities to improve Federal statistical programs to serve the needs of both government and industry.

Budget Bureau Staff Assigned: Harold T. Lingard.

Chairman

Robert H. Stewart, Jr., Manager, General Economics, Planning & Economics Department, Gulf Oil Corporation, Pittsburgh, Pa.

Members

E. W. Brindle, Standard Oil Company (Indiana), Chicago, Illinois.

C. J. Carlton, Economics Department, Standard Oil Co. of California, San Francisco, Calif.

James S. Cross, Manager, Economics Department, Sun Oil Company, Philadelphia, Pa.

Theodore I. Gradin, Director, Bureau of Statistics, American Gas Association, New York, New York.

E. H. Hasenberg, Co-ordinator of Certificates, Natural Gas Pipeline Company of America, Chicago, Illinois.

Edward R. Heydinger, Manager, Economics & Statistics Dept., Marathon Oil Company, Findlay, Ohio.

John E. Hodges, Director, Department of Statistics, American Petroleum Institute, Washington, D.C.

Melvin L. Mesnard, Economic Analyst, Independent Petroleum Association of America, Washington, D.C.

B. L. Jones, Mobil Oil Corporation, New York, New York.

Carl E. Richard, Controller's Department, Humble Oil and Refining Co., Houston, Texas.

A. J. Bradford, Comptroller's Department, Texaco, Inc., New York, New York.

Frank Young, Continental Oil Company, New York, New York.

PUBLIC UTILITIES COORDINATING COMMITTEE

Scope: To advise the Bureau of the Budget and to coordinate, as may be desirable, the work of the Committees on Financial Reports and Operating Reports to better serve the purposes of the Advisory Council on Federal Reports and the needs of the Bureau of the Budget and the gas and electric utilities industries; also to assist in the selection of special advisory panels qualified to advise the Bureau of the Budget on any reporting forms and plans concerning which the two Committees would not be adequately qualified to advise the Bureau.

Budget Bureau Staff Assigned: Mr. Harry B. Sheftel.

Chairman

Robert S. Quig, Vice President, Ebasco Services Incorporated, New York, N.Y.

Members

Miles J. Doan, Vice President, The Cincinnati Gas & Electric Co., Cincinnati 1, Ohio.

Theodore I. Gradin, Director, Bureau of Statistics, American Gas Association, New York, N.Y.

G. H. McDaniel, Head, System Operations, American Electric Power Service Corp., New York, N.Y.

John Thornborrow, Assistant Managing Director, Edison Electric Institute, New York, N.Y.

COMMITTEE ON UTILITIES—FINANCIAL REPORTS

Scope: To advise the Bureau of the Budget on financial reporting forms and related requirements issued by federal agencies to companies in gas and electric utilities field in order to improve such reporting forms and plans and where possible to simplify them and reduce the burden of reporting.

Budget Bureau Staff Assigned: Mr. Harry B. Sheftel.

Chairman

Robert S. Quig, Vice President, Ebasco Services Incorporated, New York, N.Y.

Vice Chairman

Miles J. Doan, Vice President, The Cincinnati Gas & Electric Co., Cincinnati 1, Ohio.

Secretary

Theodore I. Gradin, Director, Bureau of Statistics, American Gas Association, New York, N.Y.

Members

Robert R. Fortune, Vice President, Pennsylvania Power & Light Co., Allentown, Pennsylvania.

Arthur E. Gartner, Controller, Consolidated Natural Gas Co., New York, New York.

John Geiger, Head, Financial & Statistical Section, Pacific Power & Light Company, Portland, Oregon.

Robert A. Jeremiah, Controller, Long Island Lighting Company, Mineola, New York.

J. C. Johnson, Assistant Comptroller, Southern Services, Inc., Atlanta, Georgia.

Albert J. Klemmer, Auditor, Rochester Gas & Electric Company, Rochester, New York.

Frank H. Roberts, Controller, Northern Natural Gas Company, Omaha, Nebraska.

Mr. C. M. Allen, Vice President and Treasurer, Panhandle Eastern Pipe Line Company, Kansas City, Missouri.

William E. Sauer, Superintendent, Regulatory & Statistical Accounting Department, Peoples Gas Light & Coke Co., Chicago, Illinois.

Robert C. Sloan, Assistant Treasurer, Columbia Gas System, Inc., New York, New York.

Alfred E. Softy, Accounting Director, Edison Electric Institute, New York, New York.

William T. Sperry, Assistant to Comptroller, Public Service Gas & Electric Co., Newark, New Jersey.

Douglas M. Tonge, Asst. Secretary & Asst. Treasurer, American Electric Power Service Corp., New York, New York.

COMMITTEE ON PUBLIC UTILITIES—OPERATING REPORTS

Scope: To advise the Bureau of the Budget on utilities operating reporting forms and related requirements issued by federal agencies to companies in gas and electric utilities field in order to improve such reporting forms and plans and where possible to simplify them and reduce the burden of reporting.

Budget Bureau Staff Assigned: Harry B. Sheftel.

Chairman

Robert S. Quig, Vice President, Ebasco Services Incorporated, New York, New York.

Vice chairman

G. H. McDaniel, Head, System Operations, American Electric Power Service Corp., New York, N.Y.

Secretary

John Thornborrow, Assistant Managing Director, Edison Electric Institute, New York, N.Y.

Members

Fred W. Braga, Assistant Comptroller & Statistician, The Detroit Edison Company, Detroit, Mich.

Donald E. Rose, Assistant Treasurer, New England Power Service Company, Boston, Mass.

Theodore I. Gradin, Director, Bureau of Statistics, American Gas Association, New York, N.Y.

James I. Poole, Jr., Vice President-Sales & Rates, Natural Gas Pipeline Co., of America, Chicago, Ill.

Francis Quinn, Budget & Statistics Department, Transcontinental Gas Pipe Line Corp. Houston, Tex.

E. A. Willson, Vice President, Northern States Power Company, Minneapolis, Minn.

R. C. Wilson, Manager, Rate Department, Washington Gas Light Company, Washington, D.C.

COMMITTEE ON RADIO AND TELEVISION BROADCASTING

Scope: To advise the Bureau of the Budget on reporting procedures, mainly Federal Communications Commission questionnaires, issued to radio and television stations and to make recommendations towards the simplification, consolidation and improvement of such reporting.

Budget Bureau Staff Assigned: Harry B. Sheftel.

Chairman

Joseph E. Baudino, Vice President, Westinghouse Broadcasting Company, Washington, D.C.

Members

Douglas A. Annello, General Counsel, National Association of Broadcasters, Washington, D.C.

Arthur W. Arundel, President WAVA, Arlington, Virginia.

Alfred Beckman, Vice President, American Broadcasting Company, Washington, D.C.

Robert Cochrane, Assistant General Manager WMAR–TV, Baltimore, Maryland.

Joseph DeFranco, Attorney, Columbia Broadcasting System, Washington, D.C.

George J. Gray, Vice President, AVCO Broadcasting Corporation, Washington, D.C.

Howard Monderer, Assistant General Attorney, National Broadcasting Company, Washington, D.C.

Roger Newhoff, President, Eastern Broadcasting Corporation, Washington, D.C.

Roger B. Read, Vice President, Taft Broadcasting Company, Cincinnati, Ohio.

Robert L. Heald, President, Federal Communications Bar Association, Washington, D.C.

Daniel W. Shields, Executive Assistant to the President, Steinman Stations, Lancaster, Pennsylvania.

COMMITTEE ON RAILROADS

Scope: To advise the Bureau of the Budget with respect to federal reporting and record keeping requirements applicable to railroads and subject to review by the Bureau of the Budget under the Federal Reports Act, and to such related problems of coordination and planning of statistical and reporting programs covering railroads as the Bureau may refer to the Committee.

Budget Bureau Staff Assigned: Harry B. Sheftel.

Chairman

Burton N. Behling, Vice President, Association of American Railroads, Washington, D.C.

Members

L. W. Adkins, Vice President, Accounting & Taxation, Louisville & Nashville Railroad, Louisville, Kentucky.

P. L. Conway, Jr., Assistant Vice President, Economics & Finance Department, Association of American Railroads, Washington, D.C.

W. R. Divine, Vice President and Comptroller, Southern Railway System, Washington, D.C.

W. N. Ernzen, Vice President and Comptroller, Chicago, Burlington & Quincy Railroad, Chicago, Illinois.

J. T. Ford, Jr., Assistant Vice President & Comptroller, Chesapeake & Ohio/Baltimore & Ohio Railroads, Baltimore, Maryland.

C. E. Fuller, Comptroller and Traffic Manager, Genesee & Wyoming Railroad Company, Retsof, New York.

Charles S. Hill, Comptroller, Penn Central Company, Philadelphia, Pa.

H. A. Nelson, Vice President & General Auditor, Southern Pacific Company, San Francisco, Calif.

COMMITTEE ON RETAIL TRADES

Scope: To advise the Bureau of the Budget with respect to federal reporting and record keeping requirements applicable to the retail trades and subject to review by the Bureau of the Budget under the Federal Reports Act, and to such related problems of coordination and planning of statistical and reporting programs covering the trades as the Bureau may refer to the Committee.

Budget Bureau Staff Assigned: Paul F. Krueger.

Chairman

Eugene A. Keeney, Executive Vice President, American Retail Federation, Washington, D.C.

Secretary

Arthur Sturgis, Jr., Director Research & Taxation, American Retail Federation, Washington, D.C.

Members

A. Arthur Charous, Manager, Division of Economic Research, Sears, Roebuck and Company, Chicago, Illinois.

S. Kent Chrisensen, Vice President, Natl. Assn. of Food Chains, Washington, D.C.

Don J. Debolt, Executive Director, Menswear Retailers of America, Washington, D.C.

Nathan B. Epstein, Vice President, Lerner Stores Corporation, New York, New York.

William Girdner, Melville Shoe Corporation, New York, New York.

Elias S. Gottlieb, Corporate Research Director, R. H. Macy & Co., Inc., New York, New York.

Robert C. Heller, Asst. Secretary & Treasurer, F. W. Woolworth Company, New York, New York.

Alfred E. Kuerst, Vice President, L. S. Ayres & Company, Indianapolis, Indiana.

Thomas H. Jenkins, Research Director, National Retail Hardware Association, Indianapolis, Indiana.

Herbert S. Landsman, Executive Vice President, Federated Department Stores, Inc. Cincinnati, Ohio.

Eleanor G. May, Research Director, Woodward and Lothrop, Washington, D.C.

Irving Phillip, Controllers Congress, National Retail Merchants Association, New York, New York.

COMMITTEE ON SCIENTIFIC AND RESEARCH ACTIVITIES

Scope: To advise the Bureau of the Budget on the improvement and simplification of Federal government reporting forms and related procedures concerned with scientific and technical personnel and research and development expenditures in industry, and to advise the Bureau of the Budget as to statistical programming in these fields, with particular reference to industry needs for statistical information.

Budget Bureau Staff Assigned: Margaret E. Martin, Harry B. Sheftel.

Chairman

John W. Reynard, Assistant Manager, Personnel Division, Employee Relations Department, E. I. du Pont de Nemours & Company, Inc., Wilmington, Delaware.

Members

H. Dwight Blondefield, Executive Assistant, Advanced Programs and Marketing, Autonetics Division, North American Rockwell Corporation, Anaheim, California.

C. A. Church, Manager, Educational Relations & Recruiting, General Electric Company, New York, New York.

R. C. Cunningham, Director, Staff Programs, Engineering, Westinghouse Electric Corporation, Pittsburgh, Pa.

Virginia A. Dwyer, Economist and Actuary, Finance Division, Western Electric Company, New York, New York.

N. O. Heyer, Manager, Manpower Planning, International Business Machines Corporation, Corporate Headquarters, Armonk, New York.

B. F. Holcomb, Executive Assistant, United States Steel Corporation, Pittsburgh, Pa.

Wayne E. Kuhn, Omark Industries, Inc., Portland, Oregon.

George E. Norman, Jr., Vice President, Burlington Industries, Inc., Greensboro, North Carolina.

David Novick, Cost Analysis Department, The Rand Corporation, Santa Monica, California. Alternate: Milton Margolis.

J. H. Pond, Personnel Manager, Employment & Personnel Department, The Martin Company, Denver, Colorado.

Victor Schneider, General Motors Corporation, Detroit, Michigan.

Robert H. Sommer, Managing Director, National Association of Accountants, New York, New York.

N. R. Wenrich, Manager, Business Research, Merck & Company, Inc., Rahway, New Jersey.

C. C. Coyne, Director, Financial & Service Department, Gulf Research & Development Corp., Pittsburgh, Pa.

COMMITTEE ON WHOLESALE TRADES

Scope: To advise the Bureau of the Budget on reporting, record keeping and statistical problems arising from the activities and recommendations of Federal agencies relating to wholesale industries, to reduce the burden of paperwork imposed upon the wholesale industries by these requirements, and to make recommendations for the improvement of Federal statistics needed by Government and industry.

Chairman

James E. Allen, President, the Henry B. Gilpin Co., Oxon Hill, Maryland.

Secretary

Paul L. Courtney, Executive Vice President, National Association of Wholesalers. Washington, D.C.

Members

Gilbert Campbell, Albemarle Motor Company, Charlottesville, Virginia.

W. D. Jenkins, President, Radio Supply Company, Richmond, Virginia.

Frank J. Mulvey, National Auto Service Co., Inc., Washington, D.C.

Hugh N. Phillips, President, Frank Parsons Paper Company, Washington, D.C.

Harold O. Smith, Jr., Executive Vice President, U.S. Wholesale Grocers Association, Washington, D.C.

Mr. METCALF. Mr. President, I know something of the background of the legislation from which these advisory committees grew. It was laudable legislation, developed in hearings by my predecessor, Senator James E. Murray, who then chaired the Small Business Committee. The early days of World War II brought with them all sorts of Federal forms and questionnaires related to rationing and the war effort. This worked a special hardship on small businessmen. They went to Senator Murray. The Federal Reports Act of 1942 was the consequence. It makes sense to keep down duplicative

paperwork and I am in full accord with the goals of that statute.

What I do question is the one-sided information which the Budget Bureau receives, through its arrangement with the advisory committees from big businesses. I criticize and seek to halt the use of these committees to withhold from the public information which it has the right to know and should be able to obtain readily.

In elaboration of this point, I ask unanimous consent to have printed in the RECORD an article, "Unheralded Committees Molding Statistics Via the Budget Bureau," by Miss Jan Nugent, which appeared in the November 26, 1968, issue of the Journal of Commerce.

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

UNHERALDED COMMITTEES MOLDING STATISTICS

(By Jan Nugent)

WASHINGTON, November 25.—Probably the best-known sounding board through which government hears the advice and opinions of the corporate community is the Business Council, whose regular meetings swarm with government policy-makers and attendant journalists.

However, there is another device through which business groups influence the federal establishment's less glamorous daily contacts with the business world. This is by participation in little-known industry committees which advise the Bureau of the Budget on its duties as supervisor of government statistic collection.

Statistics are not the most dramatic of the federal establishment's efforts, even though they are an essential one. But the clash between the government's right to know and a corporation's right to privacy is a daily one in many industries.

STATISTICS GUIDE POLICY

And since legislation and future regulatory decisions are often based on such economic data, how, when and whether it is collected helps mold government policy.

The Budget Bureau acts as traffic cop for all Federal Government statistics-gathering. Under the Federal Reports Act, it must approve any questionnaire sent by a federal agency to more than 10 persons.

For advice on how to improve data-gathering efforts and minimize reporting burdens, the Budget Bureau calls on committees set up by the Advisory Council on Federal Reports. ACFR has 20 standing committees in various sectors, such as banking, equal employment opportunity, radio and TV broadcasting, and sets up special panels to deal with government surveys in other areas.

"We are not in the policy area," explained ACFR Executive Secretary Russell Schneider. "The Business Council is in the area of policy problems . . . we are in procedure and how you do it."

"It is hard to separate policy and procedure, but we try hard to do that," he continued.

There is general agreement that this Budget Bureau-business cooperation has provided sound technical advice to simplify and improve government data-gathering efforts.

But it has not been immune from criticism. Corporate executives and Congressional committees have criticized the Budget Bureau for not doing more to defoliate "the federal paperwork jungle."

Other government agencies complain that at times this overview procedure cramps their style, interferes with policy decisions and squelches studies necessary to their work.

WHERE'S THE LINE?

Their objections, generally, arise over where the narrow line between procedure and policy is drawn.

Disgruntled FTC staffers cite the fate of an FTC proposal to study the 1,000 largest corporations about five years ago. The Budget Bureau okayed the project after a stormy meeting where some of the business representatives allegedly objected to its purpose. Later, several sources contend, other company officials made their objections known on Capitol Hill. When FTC's budget came up, Congress not only refused to appropriate money for the work, but for the next three years specifically forbade any such survey.

Budget officials who participated point out that the final survey was much improved because of advice given by the Business Advisory Committee. They also point out that the project was cleared by Budget, which has the final responsibility of weighing all the arguments and making the final decision.

An FTC official conceded that anyone has a right to take his complaints to Congress. "My criticism is that they (business) use this (advisory committee procedure) as a vantage point to see what is coming their way," he said.

Ranking officials of USDA and the Budget Bureau have also clashed when some proposed USDA studies were scuttled at Budget.

Only recently, a meeting was convened at Budget Bureau which illustrates the kind of problems business advisory committees deal with.

On Nov. 7, the Advisory Committee on Public Utilities objected strongly to Federal Power Commission proposals to require separate reporting of all professional retainer fees paid for advertising, public relations, legal services, etc. Previously, large utility companies were required to report individually to FPC only annual retainers which exceeded $25,000.

The meeting was closed, and Budget officials said the minutes were not available. However, sources who attended report that the utility company spokesmen repeatedly asked FPC why it needed this type of detailed information. They contended that providing the data would be burdensome and expensive and wanted to know why it was necessary.

The public utilities segment of the power industry has supported FPC's proposal, contending it is possible under present rules to write off as legal and public relations expenses what are really political and lobbying activities.

FPC's final ruling, which waits at least partially on Budget Bureau clearance, has not yet been announced.

Mr. METCALF. Mr. President, Miss Nugent referred to the fate of a Federal Trade Commission proposal to study the 1,000 largest corporations, after one of the Budget Bureau advisory committees objected. One of the most experienced members of the FTC, Commissioner Everett MacIntyre, commented earlier this year on the extraordinary control which the Bureau of the Budget—and, I would add, its industry advisory committees—has over the regulatory agencies through the Federal Reports Act of 1942. The distinguished senior Senator from North Carolina (Mr. ERVIN) inserted the full text of Mr. MacIntyre's remarks in the CONGRESSIONAL RECORD of January 27, 1969, and they appear on page 1835 of the RECORD. I ask unanimous consent to have printed at this point in the RECORD that portion of Commissioner MacIntyre's remarks which deals with the Federal Reports Act of 1942.

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

4. The Federal Reports Act of 1942

Passage of the Federal Reports Act of 1942 accorded to the Bureau of the Budget another important right to review and control over the activities of regulatory agencies. Curiously enough, as is often the case, the Act was passed under circumstances and for reasons considerably different from those in which it would be used.

It will be recalled that passage of the Federal Reports Act was occasioned by the proliferation of governmental questionnaires and requests for information and other forms which were the direct result of the activities of the Office of Price Administration. The nation was literally engulfed in a blizzard of paperwork concerning rationing output, prices, and any other conceivable type of information, both private and public.

E. g., for the purpose of ensuring successful prosecution of the war, the OPA required literally hundreds of thousands of questionnaires be filled out by farmers and housekeepers who needed a few gallons of oil for lighting and other purposes around their homes. For this purpose, however, it proved not only unnecessary but was much resented by the many citizens who were required to wait their places in long lines at various post offices throughout the country for a determination whether the questionnaires were properly filled out and their requests indeed necessary.

The Act provides that requests for information originating with any governmental agency and directed to more than nine respondents must receive clearance by the Bureau of the Budget. Requests for such clearance must be accompanied by a detailed explanation of the questionnaire, such as technicalities of implementation, manner of selecting the respondents, whether the information is to be collected by mail or personal interview, etc., etc. In addition, the request must be justified in depth. This would include a statement why the information is sought and how it will be used; why the particular number of respondents and not less has been selected; how much time it will take a respondent to answer the questionnaire, etc., etc. In ruling upon such requests the Bureau of the Budget must also be satisfied that this is the only practical method of getting the necessary information and that it is not available through some other governmental or more readily accessible private source.

The power of review within the Bureau of the Budget extends so far as to permit forbidding collection of all or a part of the information sought. In case of the traditionally used questionnaire, for example, the Bureau of the Budget may withhold clearance for its issuance altogether or it may strike certain questions—a matter entirely within its discretion.

Congress, in its haste to pass this bill, however, did not heed the warning of those questioning its extent, although this point was the subject of considerable debate. Specifically, some members of Congress felt that while the bill was ostensibly aimed at the elimination of unnecessary and presumably duplicate reports the way it was phrased gave the Director of the Bureau of the Budget a good deal more control over the collection of information than was necessary under the circumstances and perhaps even intended by Congress had it considered all the ramifications of the bill. As it turned out, the Act permits the Bureau of the Budget to exercise a good deal of control over the investigative functions of the independent agencies. With respect to the Federal Trade Commission this represents a

drastic departure from the theory of its creation. One of the Commission's most important functions arises out of the mandate to investigate and publicize business conditions harmful to the continued good health of the economy and to do so independently and outside of the control of the executive. Any control over its ability to investigate or a substantive review of the information it seeks will naturally adversely affect the independence of the Commission.

There is no doubt that the purpose for which the Act was conceived—to cut costs to the government and to avoid unnecessary harassment of citizens and business—has considerable merit. If, however, it becomes an instrument of control over some types of investigations, specifically those of independent regulatory agencies—and this in fact has occurred—it would appear that the authority the Act vests in the Bureau of the Budget needs to be reexamined.

Mr. METCALF. Mr. President, my experience indicates that in some instances the advisory committees frustrate the collection and publication of information which the public is entitled to have. I first became aware of this several years ago in endeavoring to track down the donations made by various electric utilities. I found that a number of rightwing extremist organizations were receiving regular contributions from power companies. These companies however, usually did not report the contributions to the Federal Power Commission. When I asked the FPC to request the utilities to itemize expenditures in certain accounts we would find a whole flock of extremist organizations such as the Southern States Industrial Council. That is the pompous group, some Members may recall, which thinks the kiddies who collect for UNICEF are aiding and abetting a Communist front, and which held that the Civil Rights Act of 1964 was "clearly of Communist origin." This fall, SSIC has been complaining to Congress about the Equal Employment Opportunity Commission, an agency with severely limited powers, which has, nevertheless, revealed the fact that the electric utility industry discriminates against Negroes and Spanish-surnamed persons more than any other industry.

Power company contributions to such organizations are often tucked into operating expense accounts, so that the cost is borne by the utility customers, rather than by the stockholders, as should be the case with such political expenditures. I asked the FPC whether it could simply ask each major utility whether it contributed to certain organizations, and, if so, determine how the utilities accounted for the donations in their books. The FPC said that would not be possible, because of the requirement in the Federal Reports Act of 1942 that "no Federal agency shall conduct or sponsor the collection of information, upon identical items, from 10 or more persons" unless certain conditions had been met. Among those conditions was and is the approval of the Budget Bureau Director. He, in keeping with custom if not the law, refers such queries to one of his utility advisory committees, some of whose members represent companies practicing the shoddy bookkeeping to which I object, and none of whose members represent the customers who are required to pay for this dubious charity on the part of the utilities.

Another example involves the reporting of professional fees by electric utilities. Two years ago the Federal Power Commission recommended reporting all such fees—which include fees for attorneys, public relations, and advertising, among other things—rather than just those payments exceeding, in the case of the large utilities, $25,000 a year. The FPC docket of comment on the proposed revision was preponderantly favorable, including supporting letters from a number of power company emloyees. The American Public Power Association, representing municipally owned electric utilities, excellently stated the case for the FPC's "right to know" regulation in this statement:

COMMENTS OF THE AMERICAN PUBLIC POWER ASSOCIATION

(Proposal of FPC to Revise Schedule for Reporting Charges for Professional and Other Consultative Services, Docket No. R–332)

The American Public Power Association, representing more than 1,400 local publicly owned electric utilities in 46 States, Puerto Rico, and the Virgin Islands, submits this statement in support of the Federal Power Commission's proposed amendment of the FPC schedule "Charges for Professional Services" of FPC Form No. 1 and FPC Form No. 2.

APPA has a direct interest in the suggested change because nearly 1,000 publicly-owned power systems purchase electricity at wholesale from private power companies subject to the jurisdiction of the Commission.

At the present time, the Federal Power Commission requires electric utilities to report specified information on outside professional services for which payment is made in the amount of (1) $5,000 by a Class B utility, (2) $10,000 by a Class A utility having operating revenues under $25,000,000, and (3) $25,000 by Class A utilities having operating revenues of $25,000,000 or more. The proposed revision would require reporting on all outside professional and other consultative services.

IMPORTANCE OF REGULATION

Present FPC requirements in this schedule are clearly insufficient. Electric utilities, normally monopolistic within a specific area, and recipients of certain governmental powers, require effective regulation in order to protect the public against abuses. Effective regulation is impossible without public disclosure of all relevent facts, and present regulations provide large loopholes which encourage secrecy by private power companies.

Freedom of information is, in itself, a worthwhile goal. In signing the 1966 Freedom of Information bill, President Johnson said that "freedom of information is so vital that only the national security, not the desire of public officials or private citizens, should determine when it must be restricted." This particular legislation was directed toward disclosure to individuals by Government agencies; however, a similar principle applies to private utility disclosures.

Just as the individual citizen must be protected from governmental abuses, the individual consumer must be protected from abuses by a seller. In the general marketplace, the consumer is protected by direct competition between sellers. In the electric industry, there is no direct competition, so the consumer must be protected by indirect competition and by effective regulation.

Public policy dictates that utilities, which supply an essential public service, operate in a "fishbowl". Both electric consumers and regulatory agencies must have access to full knowledge of a particular utility and its expenditures. Since 1948, FPC regulations have required less than full disclosure of professional fees paid by private power companies.

PAST ABUSES

Information that would cast an unfavorable public light upon private power companies has been withheld in the past. Some of this information has been disclosed through public hearings. Undoubtedly, much has never been disclosed. Some examples of situations indicating the need for systematic, industry-wide, full disclosure include the following:

1. In 1953 and 1954, hearings held by the Subcommittee on Antitrust and Monopoly of the Senate Judiciary Committee disclosed that Arkansas Power and Light retained certain State legislators as well as various lawyers throughout the State for political action purposes.

2. At the same hearings, it was disclosed that Mississippi Power and Light secretly retained counsel in the North Central Mississippi Electric Power Association area for political activities to defeat the formation of a public utility district.

3. In 1941, the Federal Power Commission investigated expenditures by five Northwest private power companies, which totalled over one million dollars, half of which was charged to operating expenses. These expenditures included the following:

a. Contributions to various "front" organizations for partisan political purposes;

b. Repayment of a loan made by utility employees for political activities;

c. Payments to former opponents of the utilities;

d. Payments to prominent citizens;

e. Extensive advertising by the utilities during political campaigns; and

f. Expenditures in contesting a public utility district condemnation suit.

4. In 1963, private power companies began an extensive propaganda campaign called "Project Action," geared to encourage consumers to support private power and oppose public power. It is undeterminable how much money was spent on this program, as the 1963 reports of private power companies to the FPC do not mention the campaign.

5. In 1964, Senator Lee Metcalf and Vic Reinemer, authors of "Overcharge," wrote to 103 private power companies in response to an advertisement which stated that these companies would "answer any question you may have quickly, without making a federal case of it." They asked the companies what attorneys and legal firms were retained by their respective companies in 1963, and what was the compensation for each. Of the 103 companies, only 20 responded accurately to the question, four of which retained no attorneys.

6. One of the major lobbying efforts against the Dickey-Lincoln School Project was by the Electric Coordinating Council of New England. Yet, only the Fall River Electric Light Company reported to the FPC a "Proportionate share of expense of participation in Electric Coordinating Council of New England—$99.09", under Account 426.4, which should show "all expenditures incurred by the respondent during the year for the purpose of influencing public opinion with respect to the election or appointment of public officials, referenda, legislation or ordinances."

A public hearing should not be required in order to expose the ways in which private power companies spend their consumers' dollars. Present regulations allow some private power companies to hide any expenses totalling less than $25,000. This type of regulation can only encourage secrecy. Proposed regulations would tend to discourage such secrecy and prevent the abuses illustrated by the above examples.

VALUE OF DISCLOSURE

Proper disclosure of professional fees will benefit consumers, State commissions, wholesale customers, and the Federal Power Commission:

1. Consumers have a right to know what is included in their electric bills. They have a right to know if they are paying for the molding of public opinion, for the promotion of a political candidate, or for the takeover of a municipal electric system. And they have a right to protest if they feel they are being charged unfairly for these activities. Without access to the facts, a consumer is unable to protect himself.

2. State commissions were designed to protect consumers from possible monopolistic abuses by private power companies. They have sole jurisdiction over retail rates. A recent report by the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations indicated that most State commissions have such a small staff and low budget that they are unable to perform adequately their regulatory functions. Access to detailed information regarding professional fees paid by private power companies will greatly enhance the ability of the commissions to determine proper retail rates by ascertaining what should be included in operating expenses.

3. Private power companies charge their wholesale customers on the basis of the companies' costs. If information regarding professional fees is available to wholesale customers, they can more accurately determine the fairness and validity of the rates they are charged.

4. The Federal Power Commission has jurisdiction over wholesale rates of most private power companies. Full knowledge of professional fees will aid the FPC in determining the propriety of a specific wholesale rate schedule.

The American Public Power Association urges the FPC to amend the schedule "Charges for Professional Services" as proposed.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and other matters referred to by the Senator from Montana (Mr. METCALF) will be printed in the RECORD.

The bill (S. 3067) to amend title 44, United States Code, to provide for consumer, labor, and small business representation on advisory committees under the coordination of Federal Recording Services, and for other purposes, introduced by Mr. METCALF, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 3067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3506 of title 44 of the United States Code is amended by inserting "(a)" before the word "Upon" and by adding at the end thereof the following new subsections:

"(b) No advisory committee which includes among its members individuals who represent the interests of business or commercial enterprises may be used by the Director to assist or advise him in or with respect to the administration of this Act unless that advisory committee includes among its members one or more individuals who are chosen from private life to represent the economic interests of consumers, labor and small business within the United States. Not less than one-third of the membership of any such advisory committee which is composed of three or more members shall be individuals so chosen to represent the economic interests of consumers.

"(c) All records, minutes and other information of any advisory committee appointed to carry out the provisions of this chapter shall be available for public inspection and copying in accordance with regulations established by the Director.

"(d) In addition to publication in the Federal Register, the Director shall establish procedures for giving timely, conspicuous, public notice, by such means as he deems appropriate, to persons interested in the conduct of the business of advisory committees appointed under this chapter."

SEC. 2. The amendment made by this Act shall take effect on the first day of the second month beginning after the date of enactment of this Act.

Mr. METCALF. Mr. President, the Budget Bureau deliberated about the proposed regulation revision for months, then last November—2 days after the election—Robert S. Quig, vice president of EBASCO and Chairman of the Council's Public Utility Coordinating Committee, came to Washington and informed Budget Bureau officials of his desire to cut down on the voluminous amount of information flowing into the FPC. This matter of reporting detail on professional fees was discussed at length as a case in point. At that meeting and another a few weeks later, the leaders of the Nation's largest industry soberly told the Budget Bureau people that their fancy, third-generation computers simply could not bank and retrieve, say, the names of local attorneys retained and the annual pay of each, without a great deal of expense and bother.

Had the Budget Bureau accepted the suggestion which I have made to it from time to time during the past 4 years, and broadened the membership of its advisory committees, it would have quickly learned what experienced accountants for large municipal utilities have advised me. It is easy to report, in detail and at no extra cost, expenditures made for professional services and other items pertinent to regulators and the public. Or, the Budget Bureau people could have noted the point well taken by the Senate committee which considered this legislation almost 30 years ago, and pointed out that "major utilities have their own accountants and lawyers, not to mention computers, that can furnish this information without any problem." But the intent and use of the Federal Reports Act of 1942 have diverged further and further apart, my advice regarding broadening advisory committees has not been taken, and the Budget Bureau did not adopt the sound "right to know" recommendations of the FPC, although calling for more disclosure than had been required in the past.

In this connection, a special word is in order regarding the aforementioned gentleman who heads three of these 15 Budget Bureau advisory committees, the three that have to do with utilities. He is Mr. Robert S. Quig, vice president of EBASCO, a well-known utility service corporation. He is Chairman of the Budget Bureau's Public Utilities Coordinating Committee, the Committee on Public Utilities—Financial Reports, and the Committee on Public Utilities—Operating Reports.

Recently the Subcommittee on Intergovernmental Relations, in connection with hearings on S. 607, the Utility Consumers' Counsel Act, inquired of industry witnesses regarding the number and amount of utility rate increases pending before State commissions. My old friend Edwin Vennard, formerly managing director of Edison Electric Institute, the power company trade association, and others suggested that Mr. Quig was the man to go to for such information. So we went to Mr. Quig. He said he did not have the information. So the subcommittee had to go to each of the State utility commissions to get it. Mr. Quig makes speeches about the need for "more sophisticated forms of communications" between utilities and the public. But he, as the utility's chief information man, could not provide the public and a Senate subcommittee with the most important information which the public wants and needs—information on what the utilities are planning to do to the customers' pocketbook.

Last year Mr. Quig reacted adversely to the publication of information supplied to the subcommittee by State utility commissions. This information, published as Senate Document 56 in the 90th Congress, dealt with commission organization, staff, budget and jurisdiction. It was a straightforward factual account. Yet Mr. Quig, in an article in the March 14, 1968, issue of Public Utilities Fortnightly, said this publication "puts into the hands of all people a document which I fear will be used as a source book."

Mr. President, is it not strange that the chief information man of our Nation's largest industry is fearful of providing factual material to the public? Mrs. Virginia Knauer, the President's consumer adviser, has not been fearful of providing the public with information from Senate Document 56. And is it not strange that this same fearful man happens to be the Budget Bureau's principal industry adviser regarding utility information?

On December 20, 1968, Executive Director Erma Angevine of the Consumer Federation of America specifically requested representation of CFA on three of the Budget Bureau advisory committees. On January 21, 1969, the request was denied by the Budget Bureau. The Budget Bureau said it would be pleased to consult and notify. But the Bureau refused to open up the advisory committee to representatives of the consuming public, this despite the Budget Bureau's statement in its own house organ—Statistical Reporter, July 1968—that a prime objective of the Federal Reports Act of 1942 is the insurance that "the informational needs of the Government, and through it, of the public, are adequately met in the most efficient manner," and despite the statement in the same article that the Budget Bureau should receive "the benefit of advice by interested parties outside the Government—those interested either as consumers of data or as respondents to the inquiry."

Mr. President, the leadership of the Senate has wisely pointed out that this is a good time for the Congress to exer-

cise legislative oversight, to review the mass of legislation that has been passed by preceding Congresses and see what refinement and updating is needed. My proposal fits into this category.

Some provision should be made to give adequate voice to the small businessmen whose plight the original legislation sought to ameliorate. On committees such as the one on equal employment opportunity surveys, representatives of employees and minority groups should certainly be accorded equality with representatives of employers. The officials at the Budget Bureau exercise awesome power over the regulatory process in their approval, disapproval, or modification of governmental requests for information. It is past time when these officials should be exposed to the give-and-take of colloquy between the producers and consumers of our Nation's basic goods and services.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the exchange of correspondence between the Consumers Federation of America and the Budget Bureau, the text of the Federal Reports Act of 1942, and the article, "ACFR Simplifies Reports Procedures," by Robert H. North, chairman of the Fund Q Committee, which appeared in the July 1968 issue of Association Management, and a copy of the bill.

The material presented by Mr. METCALF is as follows:

CONSUMER FEDERATION OF AMERICA,
Washington, D.C., December 20, 1969.

Mr. CHARLES J. ZWICK,
Director, Bureau of the Budget,
Washington, D.C.

DEAR MR. ZWICK: On behalf of Consumer Federation of America, I wish to request representation on the following three committees established to advise the Bureau of the Budget on Federal reports: (1) Public Utilities—Coordinating Committee; (2) Committee on Public Utilities—Financial Reports; and (3) Committee on Public Utilities—Operating Reports.

We understand that the current membership of these committees, with the exception of a single member of the staff of the Bureau who serves as "meeting chairman," is composed entirely of representatives of privately-owned utilities. CFA believes that as currently constituted these committees are grossly inadequate to advise the Bureau regarding the desirability of Federal reports affecting the public interest.

Membership of these committees presently includes personnel from companies and trade associations which have resisted Federal regulation of their activities, actively advocated weakening of Federal regulatory agencies, and strenuously fought to cripple or kill competitive consumer-owned systems. In addition to persons employed by individual companies, the committees' membership in each case includes a representative of the Edison Electric Institute and the American Gas Association—organizations devoted to advancing the interests of participating companies. No one represents consumers.

While some may argue that the influence of the committees is diluted by the Bureau's access to information and arguments provided by Federal agencies involved in the proposed reporting requirements under review, we must observe that there is no guarantee that these agencies adequately guard the interests of consumers when faced with the concerted force of industry opposition.

In any event, the Federal Reports Act and Bureau policy indicate the desirability of a direct consumer role in reporting reviews. Under the Act, the Bureau may give "interested persons an adequate opportunity to be heard or to submit statements in writing." One of the most useful methods of implementing this provision would be to provide consumer representation on advisory committees. A number of Federal departments and agencies now have consumer representatives on similar committees.

Statements of Bureau policy indicate support for such consumer consultation: The *Statistical Reporter* (July, 1968) contains a statement prepared by the Office of Statistical Standards which discusses the role of the advisory committees and declares that ". . . an important part of many reviews is consultation with others who are concerned with and knowledgeable about the subject matter of the inquiry." In addition to government sources, the article notes: "An equally important consultation procedure is designed to give the Office the benefit of advice by interested parties outside the Government—those interested either as consumers of data or as respondents to the inquiry." We believe to fulfill this responsibility the Bureau will wish to consider the viewpoints of both users and utilities simultaneously.

Those who pay electric and gas bills—which too frequently encompass documented overcharges—have a clear interest in regulatory reporting requirements that is equal to or greater than that of those who send out the bills. Failure to take fully into account the consumers' point of view can only distort any Bureau decision. We believe give-and-take debate in open committee sessions would help rectify the present procedural deficiency. We do not believe reliance on secret or semi-secret sessions with self-described business-oriented industry executives serves the public interest.

I look forward to hearing from you regarding my request.

Sincerely,

MRS. ERMA ANGEVINE,
Executive Director.

BUREAU OF THE BUDGET,
Washington, D.C., January 21, 1969.

Mrs. ERMA ANGEVINE,
Executive Director, Consumer Federation of America, Washington, D.C.

DEAR MRS. ANGEVINE: The Director has asked me to reply to your letter of December 20 proposing that your Federation be represented on three industry committees of the Advisory Council on Federal Reports which are advisory to the Bureau of the Budget on Federal reports requested of business, and subject to review under the Federal Reports Act. The committees are: the Committee on Public Utilities—Coordinating Committee; the Committee on Public Utilities—Financial Reports; and the Committee on Public Utilities—Operating Reports.

Pursuant to our general policy of welcoming the counsel of any parties interested in matters subject to our review under the Federal Reports Act, we would be pleased to hear views of your organization on any of the matters on which we consult the committees you mention. Whenever we consult these committees we will notify your organization so that arrangements can be made to secure your views on the matters under review. If you desire, we would also be glad to place your organization on our mailing list for the "Daily List of Reporting Forms and Plans Received for Approval" (specimen copy attached), so that if you wish to make your views known on any of these proposed reports under review by us, you can contact us and make arrangements to do so. We do not believe, however, that it would be desirable to extend the membership of business advisory committees, which are consulted as representatives of respondents, to include non-business interests.

Normally we look to the sponsoring agencies to justify their proposals to collect information from the public as both necessary and sufficient to serve the purpose for which they are intended. Although we will be glad to consult with you when these proposals come to us for review, to facilitate orderly and expeditious procedures and handling, I trust that you will continue to represent your interests in these programs before agencies which administer them.

Please feel free to contact Mr. Edward T. Crowder (395–3772), Assistant Director for Clearance Operations of this Office, on any questions arising out of your interest in our review program.

We appreciate very much your interest in this important matter.

Sincerely yours,

RAYMOND T. BOWMAN,
Assistant Director for Statistical Standards.

An act to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Reports Act of 1942".

SEC. 2. It is hereby declared to be the policy of the Congress that information which may be needed by the various Federal agencies should be obtained with a minimum burden upon business enterprises (especially small business enterprises) and other persons required to furnish such information, and at a minimum cost to the Government, that all unnecessary duplication of efforts in obtaining such information through the use of reports, questionnaires, and other such methods should be eliminated as rapidly as practicable; and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

SEC. 3. (a) With a view to carrying out the policy of this Act, the Director of the Bureau of the Budget (hereinafter referred to as the "Director") is directed from time to time (1) to investigate the needs of the various Federal agencies for information from business enterprises, from other persons, and from other Federal agencies; (2) to investigate the methods used by such agencies in obtaining such information; and (3) to coordinate as rapidly as possible the information-collecting services of all such agencies with a view to reducing the cost to the Government of obtaining such information and minimizing the burden upon business enterprises and other persons, and utilizing, as far as practicable, the continuing organization, files of information and existing facilities of the established Federal departments and independent agencies.

(b) If, after any such investigation, the Director is of the opinion that the needs of two or more Federal agencies for information from business enterprises and other persons will be adequately served by a single collecting agency, he shall fix a time and place for a hearing at which the agencies concerned and any other interested persons shall have an opportunity to present their views. After such hearing, the Director may issue an order designating a collecting agency to obtain such information for any two or more of the agencies concerned, and prescribing (with reference to the collection of such information) the duties and functions of the collecting agency so designated and the Federal agencies for which it is to act as agent. Any such order may be modified from time to time by the Director as circumstances may require, but no such modification shall be

made except after investigation and hearing as hereinbefore provided.

(c) While any such order or modified order is in effect, no Federal agency covered by such order shall obtain for itself any information which it is the duty of the collecting agency designated by such order to obtain.

(d) Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or for any other proper purpose. Before making any such determination, the Director may, within his discretion, give to such agency and to other interested persons an adequate opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of such information by such agency is unnecessary, either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another Federal agency or for any other reason, such agency shall not thereafter engage in the collection of such information.

(e) For the purposes of this Act, the Director is authorized to require any Federal agency to make available to any other Federal agency any information which it has obtained from any person after the date of enactment of this Act, and all such agencies are directed to cooperate to the fullest practicable extent at all times in making such information available to other such agencies: *Provided*, That the provisions of this Act shall not apply to the obtaining or releasing of information by the Bureau of Internal Revenue, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, and the Division of Foreign Funds Control of the Treasury Department: *Provided further*, That the provisions of this Act shall not apply to the obtaining by any Federal bank supervisory agency of reports and information from banks as provided or authorized by law and in the proper performance of such agency's functions in its supervisory capacity.

SEC. 4. (a) In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law (including penalties) which relate to the unlawful disclosure of any such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency.

(b) Information obtained by a Federal agency from any person or persons may, pursuant to this Act, be released to any other Federal agency only if (1) the information shall be released in the form of statistical totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information.

SEC. 5. No Federal agency shall conduct or sponsor the collection of information, upon identical items, from ten or more persons (other than Federal employees considered as such) unless, in advance of adoption or revision of any plans or forms to be used in such collection,

(a) The agency shall have submitted to the Director such plans or forms, together with copies of such pertinent regulations and other related materials as the Director shall specify; and

(b) The Director shall have stated that he does not disapprove the proposed collection of information.

SEC. 6. The Director is authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 7. As used in this Act—

(a) The term "Federal agency" means any executive department, commission, independent establishment, corporation, owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but such terms shall not include the General Accounting Office nor the governments of the District of Columbia and of the Territories and possessions of the United States, and the various subdivisions of such governments.

(b) The term "person" means any individual, partnership, association, corporation, business trust, or legal representative, any organized group of persons, any State or Territorial government or branch thereof, or any political subdivision of any State or Territory or any branch of any such political subdivision.

(c) The term "information" means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from ten or more persons other than agencies, instrumentalities, or employees of the United States or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

SEC. 8. Any person failing to furnish information required by any such agency shall be subject to such penalties as are specifically prescribed by law, and no other penalty shall be imposed either by way of fine or imprisonment or by the withdrawal or denial of any right, privilege, priority, allotment, or immunity, except when the right, privilege, priority, allotment, or immunity, is legally conditioned on facts which would be revealed by the information requested.

SEC. 9. There are hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

Approved, December 24, 1942.

[From Association Management, July 1968]

ACFR SIMPLIFIES REPORTS PROCEDURES

(By Robert H. North, CAE Chairman, Fund Q Committee)

Few association executives and businessmen are aware of the valuable services performed by the Advisory Council on Federal Reports, official business consultant to the federal Bureau of the Budget. It is a resource available to association executives and their members concerned with government questionnaires, statistical programs and record-keeping requirements. ASAE supports the Council through its "Fund Q" solicitation.

Federal departments and agencies are constantly intruding on business activities, frequently through requests for information on a widening area of business concern. To help association executives advise their members of the Council's services and benefits, the committee has prepared the the following article which can be reprinted in their own association publications:

"Your association is repeatedly asked for guidance on answering government questionnaires, particularly whether or not an employer must complete and return a particular form. Federal demands for information are delving into ever-widening areas of business life.

"Fortunately, there is a business-run organization in Washington, D.C. established for the purpose of helping businessmen by providing available guidance and especially by advising the powerful Bureau of the Budget on ways to cut down on the reporting burdens of business. It is the Advisory Council on Federal Reports, 1001 Connecticut Ave., N.W., Washington, D.C. 20036, which is officially connected with the Bureau of the Budget. For 25 years this Council has been attacking the paperwork problems of business through panels of businessmen selected by their qualifications to find the faults in government forms and recommend ways to correct them. The Council is wholly business-oriented, being sponsored and financed by associations through the American Society of Association Executives and other respected business organizations.

"The Council gives this advice to businessmen:

"1. Requests for information from the federal government, regardless of how made, are subject to the Federal Reports Act and Bureau of the Budget approval if issued to more than 9 persons. Such governmental gathering of information may be by letter, telegram, questionnaire, reporting form, application or personal interview, and may be on any subject. Excluded by the Act are the income tax forms and a few others. Copies of the Act are available from the Advisory Council on Federal Reports.

"2. If Budget Bureau approval is not evident (approval is usually indicated in the upper right-hand corner of the fact sheet accompanied by an expiration date), response should be delayed long enough to make inquiry regarding the legal status of the request. This may be done, in confidence, through the Advisory Council on Federal Reports.

"3. Do *not* discard unapproved requests for information. Such unauthorized questionnaires or requests should be sent or reported to the Advisory Council for investigation in order that they may be killed by the Budget Bureau, or having merit, may be reviewed and formally approved.

"4. Response to federal questionnaires and other kinds of requests for information can be voluntary or compulsory. If a request is compulsory, the form or instructions should clearly cite statutory authority. If response is voluntary, this fact will *not* be indicated, in accordance with Budget Bureau policy.

"5. Businessmen having problems with government questionnaires may ask the Council for clarification which will be obtained as soon as possible and in confidence.

"6. Address your questions to the Council through your association headquarters office and we will immediately contact its staff."

S. 3068—INTRODUCTION OF AGRICULTURAL STABILIZATION ACT OF 1969

Mr. McGOVERN. Mr. President, I introduce for appropriate reference, for myself and Senators YARBOROUGH, BURDICK, EAGLETON, HARRIS, HUGHES, JACKSON, MANSFIELD, MCGEE, METCALF, MONDALE, MOSS, and NELSON the Agricultural Stabilization Act of 1969.

As many Senators know, the Food and Agriculture Act of 1965, the basic authority under which current farm programs are administered, expires at the

end of next year. It falls to the 91st Congress, therefore, to set the course for the agricultural policies of the 1970's.

Without new legislation we will revert to the laws in effect prior to 1965. The most certain result of that route would be a drop of at least $1 billion, and probably much more, in farm income, with serious secondary consequences throughout the economy.

In the case of wheat the Secretary of Agriculture would, after determining that supplies exceed demand, proclaim a marketing quota program subject to a grower referendum. If approved, participation would be mandatory. Domestic food wheat would be covered by marketing certificates to bring total returns to between 65 and 90 percent of parity, and there would be no diversion payments. If producers disapproved the program they would be left with a bare price support of 50 percent of parity for those who complied with acreage allotments.

For feed grains, an absence of new legislation would mean price supports through loans and purchases at between 50 and 90 percent of parity, set low enough to discourage excess production and accumulation of stocks by the Commodity Credit Corporation.

In the case of cotton there would also have to be a referendum, this one based on acreage allotments. Again there would be no price support or diversion payments. If the referendum were approved the support would be between 65 and 90 percent of parity; if not, those who complied with allotments would receive a minimum of 50 percent.

For dairy, if we do not act, authority for the creation of class I base plans would terminate. The one class I plan now in existence in the Puget Sound market would expire, and all other marketing orders would be deprived of the opportunity to establish these plans which, if necessary improvements are made, offer great promise of success.

In the case of wool, the old laws provide for price supports through loans or purchases at the discretion of the Secretary at not more than 90 percent of parity. There would be no direct price support payments.

In essence, a failure to act would mean that we might have a system capable of limiting supplies or of maintaining farm income at reasonable levels. In all likelihood we could not do both. The central means of preventing the accumulation of mountainous surplus would be to reduce price supports to the point where production would be uneconomic. Hundreds of thousands of farms would fail. On the other hand, if we wanted to assure that farm people would have returns commensurate with their investments of land, labor and capital, we would soon accumulate surplus stocks beyond anything yet imagined.

Obviously, neither of these approaches is acceptable. Certainly we must act before present programs expire. It would be irresponsible not to. The job we have is to determine the form of our action.

FARMERS ARE UNITED

Mr. President, I want to emphasize what I regard as one of the most important aspects of this bill from our viewpoint as legislators.

For many years we have, it seems to me, demanded an unusual degree of unanimity from a scattered and isolated farm population. We have asked time and again that the millions of farmers in all parts of this country come to the Congress with a single voice and a single plan which is acceptable to all.

Secretary of Agriculture Clifford Hardin expressed this view most recently when he appeared before the House Agriculture Committee on September 24. He said:

> This surely is a time when farmers and farm groups, acting through their enlightened self-interest, must find as much common ground as possible.

The Senate should be aware that farmers have taken that admonition seriously, and that the bill I introduce today represents the combined effort and has the combined support of one of the most broadly based farm coalitions we have seen in many years.

They began meeting in Washington in January, with 17 groups represented. This was not a prestructured coalition. Goals had to be adjusted and producers of one commodity had to acquire an understanding of the needs of producers of other farm products.

By July the outline of a specific package bill had taken shape. Additional support has since been found. The Agricultural Stabilization Act of 1969 now has the support of some 22 national farm organizations and commodity groups. They include the National Farmers Union, the National Grange, Midcontinent Farmers Association, National Farmers Organization, Grain Sorghum Producers' Association, Soybean Growers of America, National Association of Wheat Growers, National Milk Producers, Pure Milk Products Cooperative, Peanut Growers Cooperative Marketing Association, North Carolina Peanut Growers Association, Virginia Peanut Growers Association, Western Cotton Growers Association, National Potato Council, National Corn Growers Association, American Rice Growers Cooperative Association, United Grain Farmers of America, Webster County, Nebraska Farmers Organization, National Wool Growers Association, Farmers Cooperative Council of North Carolina, Virginia Council of Farmers Cooperatives, and National Rice Growers Association.

Therefore, Mr. President, if it has been a lack of farm unity which has been holding up the provision of parity returns for agriculture, it seems to me that we are now left without an obstacle. Farmers are united behind this bill.

There is good reason for them to be united. They have recognized that their economic survival hangs in the balance. I hope we, too, will be aware of this simple truth in our deliberations.

DISMAL FARM OUTLOOK

Mr. President, agriculture today remains in deep trouble. The statistics leave no room for doubt about the outlook facing family farmers in this country.

The disposable personal per capita income of farm operators still holds at slightly over two-thirds of the income of other Americans.

For their production they receive, respectively, 1942 prices for wheat, 1944 prices for corn, 1952 prices for livestock, and 1942 prices for cotton. Yet they pay enormously inflated 1969 prices for all of their production expenses, and galloping 1969 interest rates for the dollars they must borrow in order to stay in business. And farm debt now approaches $50 billion.

But it is difficult to read statistics in human terms. When we talk about this problem we are discussing the plight of people like a young man in my State, just getting started in farming, who rented land, kept careful track of his expenses, managed his farm expertly, had an unusually good crop, and ended up with red ink at the end of the year. We are talking about efficient farm operators who are sinking deeper and deeper in debt. We are talking about farms that just a few years ago were considered of optimum size for efficient production but whose owners are today, because of rising costs and depressed prices, told they are marginal and should consider leaving the farm for some nonexistent job for which they have no training or experience.

We are talking about economic stagnation in huge sections of the country and in thousands of rural towns and cities.

NATIONAL NEED

But the significance of this issue goes far beyond the concerns of rural people. It is my firm conviction that Members of Congress from every part of the country, including those from city districts with no farmers at all among their constituency, have cause to be alarmed about the economic outlook in agriculture.

They should be concerned, first, because each decline in rural America has ripple effects throughout the country—where the farmers buy about $37 billion each year in production goods and services, and where he sells enough produce to keep some 14 to 16 million people employed in processing and marketing.

They should be concerned because when we ignore the economic problems of farm people we do not dispose of them; we do no more than move them to other parts of the country where their solution is more difficult and more costly. The Nation's farm population today stands at less than half of the 1950 figure, and the total rural population has not changed since that year. All of the population increase which has occurred in the past 20 years has been in already overcrowded cities. The uneven split in economic growth between rural and urban areas has force hundreds of thousands of Americans into cities which are obviously ill-equipped to handle the influx.

We all have reason to be concerned about agriculture lest we lose, by default, the family farm system which is the productive marvel of the world, and endanger our access, as consumers, to the lowest cost, highest quality food that anyone, anywhere, anytime has enjoyed.

It is appropriate to note at this point, Mr. President, that in the 1947–49 base period, we spent 24.6 percent of our income for food. By 1968 we were spending

only 16.8 percent. Moreover, the vast bulk of what increase there has been in food costs can be attributed not to the farmer, who gets only 40 cents out of each dollar the consumer spends, but to higher processing and marketing costs. Of the $89.5 billion consumers spent for food in this country last year only $28.9 billion went to the original producer—$60.6 billion in costs were added after the food left the farmers hands. There is no bigger bargain in this country today than that supplied by agriculture. And it would still be the biggest bargain if we supplied full parity to family farmers, fulfilling what has been the declared policy of our farm programs for more than 30 years.

We should be concerned, too, because of the importance of farm exports. The United States is the world's largest exporter of farm products, accounting for some 20 percent of world agricultural trade. Last year commercial agricultural sales abroad earned more than $5 billion worth of dollar exchange, contributing greatly to an improved balance-of-payments posture. Moreover, the abundance of our farms has accomplished much and holds vastly greater potential for the encouragement of development abroad through food-for-peace concessional sales and grants.

The legislation I introduce today is, therefore, in no sense a sectional or parochial bill. It speaks to critical needs of our largest single industry, and it will be helpful to every member of our society.

AGRICULTURAL STABILIZATION ACT

The basic thrust of the bill is an extension of the Agriculture Act of 1965, with a series of important amendments.

It authorizes and improves the class I base plan for milk, with steps to allow wider use of this important marketing tool. It extends the cotton program without change. The corn and feed grains programs would continue, with a new price floor set at 90 percent of parity. It extends the voluntary wheat certificate program, under which farmers receive full parity for domestic food wheat, and adds a certificate on exported wheat to bring total returns on that portion of the crop to between 65 and 90 percent of parity—a minimum of 55 cents more under the current adjusted parity ratio.

The bill also contains a permanent extension of the existing cropland adjustment program and of the rice program presently in effect. It provides authority for a price support program for soybeans and flaxseed, with prices set at not less than 75 percent of parity whenever an acreage diversion program is in effect.

Finally, it includes authority for emergency reserves, or consumer protection reserves, of wheat, feed grains, soybeans, and cotton, to protect the consumer against crop failures and to protect the farmer against price-depressing sales of Commodity Credit Corporation stocks. And it includes extension and broadening of the Agricultural Marketing Agreements Act to authorize marketing orders on any farm commodity when requested by producers.

A more detailed description of the bill's provisions has been prepared, and I ask unanimous consent that a summary be printed in the RECORD at the conclusion of my remarks.

Mr. President, it is my view that the time has come to begin making solid progress toward the goal we have been promising farmers for many years but have never delivered since the farm price decline began in the early 1950's. Farmers have been patient. They have complied in large numbers with programs designed to work down the burdensome surpluses accumulated during the 1950's. They have continued to supply food abundance at prices which in many cases have failed to return the costs of production.

Parity returns are, by definition, no more than equality with the rest of our society. The programs of the 1970's will not keep faith with farmers unless they contain a firm commitment to that goal.

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

The bill (S. 3068) to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs, introduced by Mr. MCGOVERN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The summary, presented by Mr. MCGOVERN, is as follows:

SUMMARY OF COALITION FARM BILL BACKED BY 22 ORGANIZATIONS

Title I—Dairy.—Extends Class I Base Plan with clarifying amendments. Provides authority for self-financing of advertising, research and promotion programs. Changes procedure for support of manufacturing—support would be based on all components of milk instead of butterfat. (No additional costs.)

Title II—Wool.—Extends Wool program. (No additional costs.)

Title III—Feed grains.—Increases price support loan from $1.05 to $1.15 per bushel. Increases direct payment from $.30 per bushel to $.40 per bushel. Limits amount "projected yield" can be adjusted as result of natural disaster. (Total additional cost—$350 million.)

Title IV—Cotton.—Extends Cotton program. (No additional costs.)

Title V—Wheat.—Provides authority for export certificate between 90 and 65 percent of parity (cost is calculated on 65 percent of parity return or $.55 per bushel by 500 million bushels). Limits amount "projected yield" can be adjusted as result of natural disaster. Provides that one-half of wheat certificate value can be paid at time of sign up. (Total additional cost—$275 million.)

Title VI—Soybeans and flaxseed.—Authorizes acreage diversion program for soybeans and flaxseed for such year as the total stocks of soybeans—CCC, Farm Reseal and Commercial—exceed as of August 31, 150 million bushels or 15 percent of the previous year's utilization, whichever is less. (On August 31, 1969 soybeans stocks approximated 300 million bushels. This relatively small carryover would trigger a program in 1970 but only involving the diversion of 2 to 3 million acres of soybeans. Cost is based on this diversion level.) (Total additional cost—$25 to $35 million.) (Provides 75 percent of parity price support loan for participants in the acreage diversion program.)

Title VII—Consumer protection reserve.—Provides for three types of reserves to be held respectively by the Commodity Credit Corporation, by producers under an extended loan program, and by producers under three-year extended loan agreements. CCC sales for unrestricted domestic use would be prohibited at less than parity if stocks were below reserve levels. (No additional costs.)

Title VIII—Marketing orders.—Extends market order authority to any commodity subject to approval by majority of affected producers. Sets up advisory committee to help write market orders. Order may provide: (a) Market supply control ranging from grading standards to marketing allotments subject to approval of two-thirds of affected producers. (b) Pooling of sale proceeds where commodity is sold on use-classification basis. Public hearings on terms and conditions of the market order. Secretary of Agriculture would develop market order following public hearings. Producer referendum with two-thirds vote required for operation of the market order. (No additional costs.)

Title IX—Cropland adjustment.—Removes limit of $245 million on amount of funds that can be appropriated for the Cropland Adjustment Program.

Title X—Rice.—An acreage diversion program for rice is authorized if the national rice allotment is established at less than that for 1965. (The Title provides stand-by authority which has not been used to the present time.) (No additional costs.)

THE COALITION FARM BILL TO EXTEND AND IMPROVE THE 1965 FOOD AND AGRICULTURE ACT—THE MCGOVERN-YARBOROUGH BILL

Mr. YARBOROUGH. Mr. President, it gives me great pleasure to join with the able and distinguished Senator from South Dakota in introducing this bill which will strengthen the agricultural economy of America.

Mr. President, our bill will help all Americans, farmers and consumers alike. Unanimously endorsed by a coalition of 22 major farm organizations, this bill will permanently extend and improve the Food and Agriculture Act of 1965 which is scheduled to expire next year. It will aid the embattled farmers and ranchers who must sell their products at 1942 prices, but have to support their families at 1969 prices. It is intended to prevent the collapse of the agricultural economy which feeds and clothes America, to assure adequate food and fiber at reasonable prices, and to guarantee that we will continue to have $6 billion in agricultural commodities for export and a balance of payments which permits us to trade freely abroad without incurring an excessive trade deficit.

In the past two decades Americans have reaped great benefits from the modernization and streamlining of the agricultural industry. Following World War II American consumers paid 25 percent of their disposable income for food; today we pay only 17 percent. This compares with figures ranging from 28 to 40 percent in Europe and close to 50 percent in the Soviet Union. Not only does this improvement save each individual American more money to spend on other items, but it also frees billions of dollars which go back into the national economy.

But despite these tremendous improvements for consumers and the national economy as a whole, the farmers and ranchers have been left out in the cold. While the cost of living and the costs of

agricultural production have risen, the income for an individual farmer or rancher has lagged far behind. He pays 1969 prices, which are nearly 50 percent higher than 20 years ago, when the price index stood at 83.5 compared to 125.0 today. But he sells cotton at 1942 prices; he sells livestock at 1952 prices; he sells wheat at 1942 prices; he sells corn at 1944 prices; in fact, he often sells his products below his actual cost of production.

While the farmers and ranchers and I would rather that he receive a fair price in today's market, the fact is that he does not. He simply cannot survive in our inflated economy without the help provided by the farm program.

The Senator from South Dakota and I have introduced our bill in order to allow farmers and ranchers to stay on their land, to maintain production of America's essential food supplies, and to induce young men to stay in agriculture rather than flee to the cities. Although this bill will not remedy all that ails the agricultural industry, it will assure survival.

An important aspect of the bill is that it will be an investment with a good return. While the total cost of the bill's increases over 1969 will be approximately $660 million, it should raise farm income about $1.3 to $1.4 billion. Equally important, the administration's farm program budget for next year will be cut $600 to $700 million, because of the savings gained from various readjustments. The income improvements in our bill, therefore, would require no net increase over the 1969 farm program budget.

This vital bill extends the cotton program, the Wool Act, and the corn and feed grains program with some strengthening amendments, and it authorizes a class I base plan for milk producers. It also extends the wheat certificate program, providing for issuance of certificates worth 65 cents per bushel on export wheat. Establishing a soybean and flaxseed price support program, it provides for acreage diversion in relation to them when necessary to avoid surpluses. It also authorizes an emergency reserve or consumer protection reserve of cotton, feed grains, wheat and soybeans.

In addition, the already existing rice program legislation and cropland adjustment authorizations are extended indefinitely. The 1964 food-stamp program is permanently continued with necessary appropriations and the bill provides that an applicant who cannot afford the minimum cash payments for stamps can work or perform other services to pay for them.

Mr. President, I congratulate the coalition of farm organizations who have joined together to speak with one voice in advocating this comprehensive legislation. Their united and responsible approach to the farm crisis is a credit to all their members and to the agricultural industry. The member groups of this broad based coalition are: National Farmers Union, National Grange, Midcontinent Farmers Association, National Farmers Organization, Grain Sorghum Producers' Association, Soybean Growers of America, National Association of Wheat Growers, National Milk Producers Federation, Pure Milk Products Cooperative, Peanut Growers Cooperative Marketing Association, North Carolina Peanut Growers Association, Virginia Peanut Growers Association, Western Cotton Growers Association, National Potato Council, National Corn Growers Association, American Rice Growers Cooperative Association, United Grain Farmers of America, Webster County, Nebr., Farmers Organization, National Wool Growers Association, Farmers Cooperative Council of North Carolina, Virginia Council of Farmers Cooperatives, and National Rice Growers Association.

This bill is truly an investment in America and the returns will be great. For the money we invest, we get back a reliable food supply at the cheapest real cost to consumers ever achieved by any major nation in history. We will guarantee a stable agricultural economy domestically and insure a favorable balance of trade on farm and ranch exports. And perhaps most importantly, we will help farmers and ranchers stay on their land, turning out those products which feed and clothe our Nation.

Mr. NELSON. Mr. President, I am pleased to join in the sponsorship of this legislation to extend and revise several of our commodity programs in accordance with the general agreement of more than 20 of our Nation's farm groups and commodity organizations.

The Food and Agricultural Act of 1965, which this bill amends, is the basis of several important commodity programs which expire at the end of next year. It is my hope that the Senate Agriculture Committee will be able to give this proposal and other similar bills thorough consideration over the coming months and come up with a final measure that will stabilize farm prices and improve farm income for our Nation's agricultural community.

While I am in general agreement with most of the basic provisions of this legislation, I do have some strong reservations about the modifications to the class I base plan program for milk producers as provided for in this bill. A number of dairy farmer organizations in Wisconsin and other major dairy States have expressed grave concern over the potential effect that these class I amendments may have on the movement of milk and the prices that that milk may bring in various class I markets. They fear that it will not be possible for producers from major dairy States, such as Minnesota and Wisconsin, to receive equitable prices for their milk in class I base plan markets, even if the milk is needed there.

It is my hope that both the Senate and House Agriculture Committees will study this matter of restrictive markets that may develop from these amendments and place clear language in the bill that will not only prevent barriers from being established to restrict the interstate sale and shipment of milk but will also guarantee that all farmers shipping milk to a market receive equitable prices for that milk.

S. 3069—INTRODUCTION OF A BILL ESTABLISHING A VOLUNTEERS IN THE PARK PROGRAM

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Senate Interior Committee (Mr. ALLOTT) and myself, I introduce for appropriate reference a bill to authorize the Secretary of the Interior to establish a Volunteers in the Park program, and for other purposes.

This proposed legislation was submitted and recommended by the Secretary of the Interior, and I ask unanimous consent that the letter from the Secretary accompanying the draft bill be printed in the RECORD following my remarks.

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

The bill (S. 3069) to authorize the Secretary of the Interior to establish a Volunteers in the Park program, and for other purposes, introduced by Mr. JACKSON, for himself and Mr. ALLOTT, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 9, 1969.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a bill "To authorize the Secretary of the Interior to establish a Volunteers in the Park program, and for other purposes."

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

The bill authorizes the Secretary of the Interior to employ individuals without compensation, in volunteer programs in and relating to areas administered by the National Park Service. Authority is included to provide transportation, uniforms, lodging, and subsistence as may be necessary or appropriate. Volunteers would not be considered as Federal employees except for purposes of the Federal Tort Claims Act and statutes pertaining to compensation for injuries. Restrictions on appointments of personnel contained in Title II of the Revenue and Expenditure Control Act of 1968 would not apply to such volunteers.

Volunteer work is a traditional and basic value of American life. Voluntary service is associated with citizenship, and it has helped to improve conditions in neighborhoods, cities, and across the Nation. Volunteers representing all segments of our population are today working in the fields of health, education, welfare, cultural affairs, and community activities. We believe there is a need for the special volunteer services many persons and organizations could provide in interpreting the parks and providing other visitor services, and we believe the enactment of the enclosed bill would encourage such volunteers.

We envision the park volunteer as a private citizen accepting an appointment, without compensation, to a specific job for a limited period. The job would be complementary to, and in addition to, the tasks of the regular career employees, and would not diminish their roles.

Duties would center on interpretation and visitor services. Examples of duties which would be performed by park volunteers are:

Special information services to visitors.

Assisting in archeological digs.
Special research projects.
Interpreting historical events.

Volunteers would provide the supplemental skills needed to bolster the interpretive efforts of the National Park Service at such areas as Independence National Historical Park, Pennsylvania (the nation's birthplace), Fort Union Trading Post National Historic Site, Montana-North Dakota (a remnant of the Missouri River fur trade), and Yellowstone National Park, Idaho-Montana-Wyoming (outstanding displays of bear, deer, and moose).

Volunteers would be selected largely from areas close to the park at which they are to be employed, and on the basis of skills which are generally unavailable in the regular staff, such as special writing ability, ability to stimulate young visitors, etc. Individuals from conservation groups, the various Scouting organizations, Chambers of Commerce, ski clubs, for example, would be considered for appointment as park volunteers.

Costs of the volunteer program will be taken from regular operating expenditures. We estimate that there is a need for work of a specialized nature to be done by approximately 300 volunteers in the first year and grow to substantial numbers in the next 5 years. We estimate that the cost of equipping and servicing a volunteer will be approximately $270 per volunteer:

Uniforms and/or uniform accessories	$40
Meals per year	75
Transportation	75
Pins, awards, merit badges, etc	8
Medical examination	7
Orientation and training	40
Miscellaneous	25
Total per volunteer	270

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

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

A bill to authorize the Secretary of the Interior to establish a Volunteers in the Park program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to recruit, train, and accept without regard to the Civil Service Classifications laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, or other visitor services or activities in and related to areas administered by the Secretary through the National Park Service.

SEC. 2. The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

SEC. 3. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For the purposes of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 5. This Act may be cited as the "Volunteers in the Parks Act of 1969."

S. 3070—INTRODUCTION OF A BILL RELATING TO THE DEVELOPMENT OF CERTAIN PLANTS

Mr. MILLER. Mr. President, I introduce for myself and Senators DOLE, EASTLAND, HOLLINGS, JORDAN of North Carolina, and YOUNG of North Dakota, a bill to encourage the development of novel varieties of sexually reproduced plants and making them available to the public by making protection available to those who breed, develop or discover them.

The principal features of this bill are as follows:

First. The new law will be administered by a new bureau to be created within the U.S. Department of Agriculture. This bureau would be called the Plant Variety Protection Office. It would be headed by a commissioner appointed by the Secretary of Agriculture. The Commissioner of Plant Variety Protection would be assisted by a plant variety protection board. This board would be made up of approximately equal representation from the private or seed industry sector on the one hand, and the Government or public sector on the other. The review board would be empowered to make advisory decisions on appeals from decisions of the examiner. It would also advise the Commissioner concerning the rules and regulations which supplement the act.

Second. Applications for plant variety protection would be handled much as industrial patent applications are. The breeder would submit a detailed, written description of his new variety in which he would put forth his claims for novelty, for stability, and for reproductibility. A sample of basic seed would be deposited to protect the public interest.

Third. Breeders using the system would be charged fees so that the whole program would be essentially self-supporting. The fee would vary somewhat depending on whether extra copies of the certificate of protection are desired, whether an appeal is made, an assignment is involved, or whether there is a delay in payment, but the basic application fee is expected to be $50.

Fourth. Any sexually reproduced plant other than hybrids, fungi, and bacteria would be protectable under the new act. A breeder or developer would have 1 year after commercial sale of the variety to apply for protection. This scheme would be available to foreign breeders to the extent their governments afford like privileges to nationals of the United States.

Fifth. Once approved by the Plant Variety Protection Office, a certificate of plant variety protection would be issued. This certificate would allow the owner to imprint some such statement as, "U.S. Protected Variety" on his label, thus notifying the public of the protected status of his variety. Or, should the applicant desire, he could additionally elect to protect his variety under the certification system, in which case the variety could be sold only as certified seed, which fact would be made evident on the special certification label.

Sixth. Applications or certificates of plant variety protection would be assignable. The proprietor could grant or convey an exclusive right to the use of his varieties in the United States or any part of it.

Seventh. The term of protection presently proposed, for all crops, would be 17 years. This is the same period of protection granted asexual plants under the Plant Patent Act.

Eighth. Infringement of the right granted would occur when anyone, without authority, first, sells or offers for sale the protected variety; second, reproduces the variety as a step in the production of another variety of hybrid; third, imports or exports the variety into or from the United States; or, fourth, multiplies the novel variety as a step in marketing such as producing seed for growing transplants for sale.

Ninth. The law would include a special exemption for farmers. They would be allowed to produce seed of a protected variety for their own use.

Tenth. Defense of the right granted would be through civil action. In such actions, certificates of plant variety protection would be presumed valid and it would, therefore, be incumbent on the defendant in the civil action to establish invalidity or other defenses. Should the court decide in favor of the plaintiff, damages would be awarded which, in no event, would be less than a reasonable royalty for the use made of the protected variety by the infringer.

Eleventh. At his option, the proprietor could elect to require that all seed sold be certified, and this provision would be subject to enforcement by the Federal Seed Act officials for such seed moving in interstate commerce.

This legislation is designed to serve as a stimulus for investment of corporate funds in variety research and development of planting seed. It is the intention that the legislation would result in benefits in the form of new and improved varieties with increased yields, greater disease resistance, insect resistance, increased protein, oil, fiber strength, quality of vegetables, and many other crop improvements unknown today to the plant breeders.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a resolution passed by the Iowa Seed Council on October 15, 1969, recognizing the need for a National Plant Variety Protection Act and approving the principles embodied in the bill I am introducing today.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the resolution passed by the Iowa Seed Council, will be printed in the RECORD.

The bill (S. 3070) to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the

public interest, introduced by Mr. MILLER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The resolution, presented by Mr. MILLER, is as follows:

RESOLUTION PASSED BY IOWA SEED COUNCIL ON OCTOBER 15, 1969

Whereas, new varieties of plants that are asexually reproduced can be protected under the present Plant Patent Act; and

Whereas, new varieties of plants that are sexually reproduced cannot be protected under the present Plant Patent Act; and

Whereas, the breeder, developer or discoverer should be afforded the opportunity to obtain protection for new varieties of plants that are sexually reproduced in order to encourage research and development of such new varieties and to promote continuing progress in agriculture;

Now, therefore, be it resolved that the Iowa Seed Council (Advisory Council composed of representatives of the Iowa Seed Dealers Association, Iowa Crop Improvement Association, Iowa Department of Agriculture, and Iowa State University) does hereby recognize the need for a national plant variety protection act for the protection of new varieties that are sexually reproduced and approves the principles embodied in the National Plant Variety Protection Act.

ADDITIONAL COSPONSORS OF BILLS

S. 1958

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that, at the next printing, the name of the Senator from Alabama (Mr. ALLEN) be added as a cosponsor of S. 1958, the Prevailing Wage Rate Determination Act of 1969.

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

S. 2004

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Rhode Island (Mr. PASTORE), I ask unanimous consent that, at the next printing, the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of S. 2004, to amend the Communications Act of 1934 to establish orderly procedures for the consolidation of applications for renewal of broadcast licenses.

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

S. 2993

Mr. CRANSTON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of S. 2993, the Veterans' Education and Training Assistance Amendments Act of 1969.

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

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENTS

AMENDMENT NO. 253

Mr. McGOVERN. Mr. President, I am submitting today an amendment intended to be proposed by me to the appropriation bill for the Departments of Labor, and Health, Education, and Welfare—(H.R. 13111). This amendment which I ask to have printed increases the House-approved appropriations for four student aid programs.

One item covered by this amendment is the educational opportunity grant program. Educational opportunity grants average about $500 each and go to students from families with low-level incomes. These are families which cannot provide more than $625 toward the educational expenses of the student. Most of them have incomes under $6,000 annually. The House appropriated $159,600,000 for the program, a reduction of $16 million from the budget request. Of this amount $109,388,000 is for administrative costs and the renewal of previously made grants. These costs and renewals we are already committed to, if the program is to continue at all. Under the House proposal there would be only $50,212,000 for new first-year grants, which would help about 100,000 students. This represents the same level of operation as for the last fiscal year. I am proposing that we appropriate $209,388,000 for this program. This will approximately double the amount of money available for new educational opportunity grants. We should not settle for stagnation in the improvement of the condition of those with low incomes. This program must grow if an increasing number of students from low-income families are to enter college.

Another item covered by this amendment is the student loan program under title II of the National Defense Education Act. These loans are for students who have financial need. Preference is given to those of greatest need. Two-thirds of these loans have been made to students from families with incomes of less than $7,500. I am proposing that we increase the Government's capital contribution to this program from $222.1 million to the full authorization level of $275 million.

Not long ago this Chamber passed a bill permitting subsidies to banks to encourage their making guaranteed loans to students. This does not, however, reduce our responsibility to National Defense Education Act direct loans. In fact, the provision for subsidies to guaranteed loans only makes more urgent our passage of this amendment. Guaranteed loans are primarily for those from families in the middle- to upper-income levels. NDEA loans, as we have seen, are based on need and are aimed at those in the lower-income levels. If we engage in the subsidy of loans to those in the higher-income levels, simple justice demands that we provide adequate funds for those with less income. It may seem attractive to have only a guaranteed loan program for each dollar of Federal expenditure, but while this may appear financially advantageous, it is socially disasterous. We must ask the question of who, not just how many. Without adequate NDEA loan funding the answer to "who benefits?" is lower."

In addition, we must not forget other benefits which flow from the NDEA loan program. Under this program many young people are encouraged to enter the teaching profession by provisions that forgive 10-percent of their loan for each year they teach up to 5 years. Not only is teaching encouraged, but under relatively new provisions, teaching in economically and educationally deprived areas is given the extra encouragement of 15 percent forgiveness per year.

A third item covered by this amendment is the work-study program. This program provides economic assistance to students who find it necessary to work their way through college. This is designed for students whose education will cost more than their parents can afford. Preference is given to children from low-income families, those with incomes below $3,200 for a family with two parents and one dependent child. There is no question that there are many students in college today who would not be there if it were not for this program. My amendment proposes to increase the House-approved appropriation work-study by a modest $22.54 million—from $152.46 to $175 million. But even this modest increase will provide assistance to about 45,000 students—students from families that might otherwise not be able to send their children to college.

The fourth program for which I am asking an increase over the House appropriation is the special services for disadvantaged students in college. This program provides educational assistance and enrichment to students whose socioeconomic background has resulted in an elementary and secondary education which is inadequate for college. This program is a modest attempt to compensate for some of the inadequacics of the public education system. We need it if these students are to develop fully. By raising the effectiveness of disadvantaged students this program helps not only them, but the whole Nation. The House appropriated $10 million for this activity. I ask that it be raised to $15 million.

The effect of this amendment is to increase the chances for children from economically deprived families to attend college. Monetarily the proposal is modest—an increase of $130,228,000 over the House measure. Its potential effect is great—about 200,000 additional students will benefit from these increases.

We should adopt this amendment for two very good reasons: First, we owe it to the children from poor families. In the land of opportunity there should be no financial barrier to higher education. How are we going to explain to the child of a poor laborer or farmer why he must stay at home while others go to school, draft deferment in hand, to pursue careers which will be denied to him?

Second, we owe the benefits of this amendment to ourselves. In an age so beset by difficult problems, we need an educated citizenry as never before. When financial difficulties come between a student and his education, they also come between the young person and his contribution to the improvement of our society.

Mr. President, for the sake of these students and for the sake of this Nation I urge the Members of this body and especially the members of the Appropriations Committee to carefully con-

sider the amendment which I have proposed.

Of the programs that I have mentioned today, only one, the educational opportunity grants, has advanced funding. This is a feature which should be adopted for all educational appropriations. As we sit here considering education appropriations, the school year for which most of them are intended has already begun. This means that once the money is finally appropriated many of the programs will be useless or considerably reduced in effectiveness. It also means that quite frequently surpluses remain in program budgets at the end of the year. These surpluses are then misinterpreted as funds not needed by the program rather than as what they really are—funds appropriated too late to be useful. This unfortunate situation reduces the effectiveness of our educational institutions and the effectiveness of our tax dollars. Let me take this opportunity to urge both the administration and the Congress to establish advanced funding for all educational programs.

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

NOTICE OF HEARINGS ON NATURAL GAS SUPPLIES

Mr. MOSS. Mr. President, natural gas is a fuel vital to the American economy and to the comfort and well-being of our people. Patently, adequate supplies of natural gas are a matter of primary importance.

I and other members of the Committee on Interior and Insular Affairs and its Subcommittee on Minerals, Materials, and Fuels, have become increasingly concerned over reports that our Nation is facing a critical shortage of natural gas. Unequivocal statements to this effect have been made by the new Chairman of the Federal Power Commission, Mr. John Nassikas, and in Commission staff studies.

Accordingly, I announce that the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs will hold public hearings on November 12 and 13 on supplies of natural gas. The hearings will begin at 10 a.m. in the committee room, 3110 New Senate Office Building. The purpose of the hearing will be to ascertain what the situation is with respect to supplies of natural gas, and what action Congress and other branches of the Government should take in the circumstances.

The subcommittee is inviting the Secretary of the Interior, the Chairman of the Federal Power Commission, and other officials concerned with production and distribution of natural gas to appear at these hearings and give us facts and recommendations.

We shall also be glad to hear the views of the gas industry, both producers and distributors, as well as those of the public.

The participation of any Member of the Senate will of course be most welcome.

Mr. President, as a background for these hearings, I ask unanimous consent that the summary and conclusions of the staff report of the Federal Power Commission on "Natural Gas Supply and Demand," dated September 1969, be printed at this point in the RECORD.

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

NATURAL GAS SUPPLY AND DEMAND

(Staff report of the Federal Power Commission)

SUMMARY AND CONCLUSIONS

Our analysis of the national gas supply and demand relationship leads us to conclude that:

A major new government-industry program is needed immediately to insure the continued growth of natural gas service during the next decade. The program must be directed to speeding up the exploitation of the natural gas resource base and the development of supplementary gas sources. Basic elements for consideration should include: exploration incentives; Federal government leasing policies, both onshore and offshore; policies for imports of pipeline natural gas and liquefied natural gas; priorities for gas use in a short supply situation and Federal and private R&D expenditures for synthetic fuels.

Specific findings in this report which lead to the above conclusion are summarized as follows:

1. The national reserves to production (R/P) ratio (excluding Alaska) will drop from the current 14.6 levels to 10.2 by the end of 1973. Even a substantial improvement in reserve additions during the 1969–73 period above that experienced during the past five years will not prevent the R/P ratio from dropping to about 11 in 1973. Under no foreseeable circumstances will it be possible to hold the R/P ratio at its present level. Even under a greatly accelerated exploration program there is no single producing area, such as South Louisiana for example, which has sufficient potential for the development of new reserves at the timing and magnitude required to halt the decline in the national R/P ratio (Chapter II).

2. A critical analysis of "total U.S. proven reserves" by area and category of gas (Chapter II) reveals that:

A. Regional gas supply deficiencies are probable even when the national R/P ratio is still at or even above the 10 level.

B. The R/P ratio for South Louisiana will drop to the critical level of 8 in 1973 after which production growth will be at progressively slower rates.

C. The uncommitted portion of the total proven reserve inventory will have been exhausted by 1974 at which time the natural gas industry's capacity for growth will be limited.

3. The undiscovered natural gas resources of the contiguous states of the U.S. are estimated to be from two and a half to five times the current proven reserve inventory of 282 billion Mcf. The problem is to change the natural gas from the undiscovered resource category to the proven reserve category at the pace required to meet increasing demands and under economic conditions which will permit natural gas to retain its important role in the energy mix (Chapters II and IV).

4. U.S. natural gas requirements will continue to increase through 1973 at an average annual rate of 6.0 percent—the same average growth rate experienced during the most recent five year period. In order to meet these requirements Canadian imports are forecast to increase at an average annual rate of about 11 percent—a slightly higher growth rate than in recent years—and domestic production is forecast to increase at an average annual growth rate of 5.8 percent—a slightly lower growth rate than in recent years (Chapter III).

5. The U.S. gas industry and its customers will be increasingly dependent on supplementary sources of gas in the years beyond 1973 and particularly during the 1980's. The most promising of these sources include:

A. *Synthetic Gas from Coal:* The estimated cost of synthetic gas from coal has been cut in half during the past 20 years and is expected to be competitive with pipeline natural gas at several locations by the end of the next decade. U.S. coal resources are almost unlimited (Chapter IV, Page 65).

B. *LNG Imports by Ocean Tanker:* LNG technology, already fully developed and operational in Europe and North Africa, will soon provide a world-wide natural gas trade. Estimated cost of imported LNG to U.S. northeast coast cities is now nearly competitive with domestic pipeline delivered natural gas and one specific plan for such LNG service has been announced (Chapter IV, Page 60).

C. *Alaskan Natural Gas:* The historic Prudhoe Bay discovery has enlarged the already substantial Alaskan natural gas potential by several orders of magnitude. The Prudhoe Bay petroleum field will likely be one of the world's largest and opens the possibility of major natural gas production in the U.S. arctic. Transportation via LNG tanker or by pipeline will be costly and difficult, and unlikely within the next five years (Chapter IV, Page 48).

D. *Canadian Imports:* The natural gas resource base of Canada, including the Canadian arctic, is estimated to be as large as that of the contiguous United States and is in a very early stage of development. The Canadian natural gas industry is healthy and growing very rapidly. We foresee an average 11 percent annual gain in Canadian export sales to the U.S. market during the 1969–1973 period and even higher annual sales gains for the years beyond 1973 assuming mutually agreeable prices. For its full development the Canadian natural gas industry must seek exports and the U.S. is the most logical customer (Chapter IV, Page 54).

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

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

Robert D. Olsen, Sr., of Alaska, to be U.S. marshal for the district of Alaska for the term of 4 years, vice George A. Bayer.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, October 30, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

DRAFT REFORM

Mr. KENNEDY. Mr. President, in today's newspapers there are three articles of great interest to those of us who are concerned with the reform of the Selective Service System.

The New York Times, in the first of these articles, reports the decision of Federal Judge Lloyd F. MacMahon, holding that a local board acted illegally in

refusing to grant a registrant a student deferment. Certainly the local board which acts in such a high-handed manner is a great exception to the Selective Service System; nevertheless, as the story suggests, a thorough review of the whole system from top to bottom is urgently required and far-reaching reforms badly needed.

The second article, from the Washington Post, deals with another aspect of the Selective Service System which has previously caused concern here in Congress. Two cases are presently pending before the U.S. Supreme Court, Breen against Selective Service Board No. 16, and Gutknecht against United States, dealing with the delinquency regulations of the Selective Service System and the use of induction as punishment. These regulations, and especially General Hershey's interpretation of them, have come before the court in other cases, and it is revealing that the second highest legal officer in the U.S. Government has declined to sign Justice Department briefs upholding these regulations.

The final article in the New York Times indicates broad support for a system of random selection to replace the current oldest-first method. For more than 3 years now, a number of us have urged adoption of random selection. I am glad to note we are moving closer to it.

The hearings I have previously announced, which will be held in the Administrative Practice and Procedure Subcommittee, will develop further areas where administrative reform of the system is both necessary and practical.

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

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

[From the New York Times, Oct. 23, 1969]

U.S. JUDGE IRKED BY DRAFT BOARD—BLOCKS INDUCTION OF STUDENT AS "BLATANTLY LAWLESS" ACT

(By Edward Ranzal)

Federal Judge Lloyd F. MacMahon denounced yesterday members of a Mount Vernon, N.Y., draft board for their "blatantly lawless" refusal to grant a deferment to a University of Bridgeport student.

He vacated an order of induction for Thomas J. Walsh, 24 years old, of Eastchester, N.Y., and permanently enjoined Mount Vernon's Local Board 10 from inducting the student into the armed forces under its order of last June 10. The judge held that the draft board had acted illegally when it arbitrarily denied the student a hearing for reclassification.

Judge MacMahon said:

"The draft board's overzealous, high-handed and erroneous handling of this man's plight hardly inspires confidence in the system. Rather, it is this kind of treatment which has alienated the youth of the nation, bred disrespect for law, sparked the disorders which has alienated the youth of the nation, bred disrespect for law, sparked the disorders which have torn a gap between generations and ripped open the very structure of society.

"It feeds the clamor for abolition of the whole Selective Service System, from top to bottom, not only by mounting numbers of defiant young men but also by the President and many members of Congress, where no less than 43 bills to change the draft laws are pending.

"At the very least, those entrusted with the awful power of conscripting the nation's young men into the armed forces in time of war or other military ventures owe a duty of the most searching examination of the facts, scrupulous fairness, sensitive care, compassionate hearing, patient consideration, cautious action and deliberate and rational decision within the law.

"We afford no less to the worst criminal in our society."

ALL APPEALS DENIED

Mr. Walsh, who is a junior at the Connecticut university, received a 2–S student deferment until Dec. 12. He "fell behind his class," the judge noted, and on Dec. 12, 1968, his draft board reclassified him 1–A, available for military service. Last June 10 he was ordered to report for induction on July 9, but he did not receive the notification until after the induction date.

On July 3 he applied for a 1–S deferment and requested a personal appearance before the board. Four days later the board, without granting a personal appearance, denied his request. Appeals were taken within the system, and all were denied. He was ordered to report for induction on Aug. 13.

On Aug. 12 Mr. Walsh brought action in Federal court, contending that the draft board had never considered his request for reopening his classification. Judge MacMahon stayed the induction temporarily.

"Plainly," Judge MacMahon said," Congress intended to mandate 1–S deferment to undergraduate students who had fallen behind their class but who were, nevertheless, satisfactorily pursuing a full-time course of instruction."

Judge MacMahon said Mr. Walsh fitted into the category of a full-time student and was entitled to a 1–S deferment. He held that failure of the board to hear his request for reclassification was "blatantly lawless."

[From the Washington Post, Oct. 23, 1969]

U.S. SOLICITOR BALKS AT TWO DRAFT BRIEFS

(By John P. MacKenzie)

Solicitor General Edwin N. Griswold has refused to sign two Justice Department briefs to the Supreme Court defending the 1967 Selective Service Act and the rules of Gen. Lewis B. Hershey.

In a breaking of department ranks that has few precedents the government briefs were filed yesterday over the signature of Attorney General John N. Mitchell, with the Solicitor General's signature missing.

Griswold, 65-year-old former dean of the Harvard Law School, declined to comment. The extent of his disagreement with Mitchell could thus only be gauged by his previous statements, including a brief two years ago in which he said Hershey had "invited" local draft boards to use the induction power to punish dissent.

The principal issue in one case before the court is whether Selective Service has the power from Congress and the Constitution to speed up the induction of young men in reaction to delinquency resulting from their turning in or destroying draft cards.

In the other case the question is whether Congress has the right to prohibit civil suits by draftees challenging their classification before the men are in uniform.

Both cases are at the heart of the war dissenters' and civil liberties groups' quarrel with Hershey, who two weeks ago was relieved as Selective Service director effective Feb. 16. Griswold, who enjoys the support of former Attorney General Ramsey Clark, clashed with Hershey over similar questions last year.

On that occasion Hershey tried to file his own brief in the Supreme Court, bypassing Griswold, but the government's top officer for high court litigation withheld his consent and the court did not accept the brief. Griswold resolved the split by offering a brief that contained his own memorandum "for the United States" and a few pages summarizing Hershey's point of view.

The lack of Griswold's signature is expected to be a severe handicap to the government when the cases are argued next month. One legal scholar has said that omitting the Solicitor General's name is "like tying a tin can" to a brief.

The last time this happened was in 1955, when then Solicitor General Simon E. Sobeloff declined to back the Eisenhower administration's position in support of the power to deny security clearances to public employees without letting them confront their accusers.

Warren E. Burger, then Assistant Attorney General in charge of the Civil Division and now Chief Justice of the United States, stepped forward and argued the case and lost. Within a year both Sobeloff and Burger were on the federal bench.

The two Supreme Court cases grew out of the antiwar antidraft protests of the fall of 1967 and Hershey's controversial October 1967 memorandum reminding local draft boards of their power to accelerate induction for some draft law violators. One case is criminal and the other civil.

In the criminal case, David Earl Gutknecht, now 21, threw his draft papers at the feet of a deputy marshal during a demonstration in Minneapolis. He was held delinquent for nonpossession of his draft card and ordered inducted. He is appealing a four-year prison sentence for refusing induction.

[From the New York Times, Oct. 23, 1969]

UNIVERSITY GROUP BACKS NIXON'S DRAFT-LOTTERY PLAN

The Association of American Universities yesterday endorsed President Nixon's proposal for a draft-lottery system to replace the current "oldest first" method.

The association, which is made up of representatives of 42 major American universities, made the endorsement here as part of a series of public pronouncements on issues affecting their campuses.

Dr. Nathan M. Pusey, president of Harvard University and the new head of the association issued the statement on the draft after the association's annual meeting at the Plaza Hotel.

The statement said it favored a policy of limiting draft eligibility to one year in a young man's life. President Nixon's plan, which was reported out of the House Armed Services Committee last week, proposes that men be liable for the draft only during their 19th year.

Dr. Pusey made public a telegram sent to President Nixon last August by David D. Henry, president of the University of Illinois and the former head of the association, which said in part that the proposed amendment of the draft law "would be a powerful factor in reducing campus tension."

NEW POLICY EXPLAINED

The Harvard president said the association's new policy of taking sides on public issues was "the inevitable consequences of developments since World War II, when an increasing amount of university research became funded by the Federal Government."

In its policy statements yesterday, the organization also urged more Federal funds and legislative support for medical and health education, endorsed a bill currently before the House that would establish a national program of institutional grants to oversee Federal aid to graduate research projects, and called for more Federal support for international education programs.

No stand was taken on the Reserve Officers Training Corps program, which has come under fire from campus activists recently. Dr. Pusey said that the issue "did not seem as urgent" as the other matters taken up at yesterday's meeting.

The association was formed early this century by the heads of various prominent uni-

versities to promote graduate studies. Its member universities now grant about 60 per cent of the nation's doctorate degrees and receive 75 per cent of all Federal grants for graduate studies.

ADDRESS BY SENATOR MONTOYA BEFORE AMERICAN INDIANS CONVENTION

Mr. McGOVERN. Mr. President, on October 7, the Senator from New Mexico (Mr. MONTOYA) addressed the National Congress of American Indians Convention in Albuquerque, N. Mex. The well-attended convention was a particularly important occasion for Senator MONTOYA. It is well recognized by Senators that he has long fought for greater opportunities for the American Indian.

The new administration has a particularly important responsibility to help the American Indians improve their standard of living, and insure them the right of all American citizens: the right to share in the wealth of this great Nation. In this regard Senator MONTOYA's remarks to the NCAI convention are very timely.

Mr. President, I ask unanimous consent that Senator MONTOYA's remarks before the National Congress of American Indians Convention be printed in the RECORD.

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

ANNUAL CONVENTION OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

You honor me by your invitation to speak with you today. I want to take this opportunity to thank your president, Mr. Wendell Chino, with whom I have discussed Indian Affairs from time to time—and who was very kind to invite me to address you today. Today's afternoon session is entitled "Federal Communities." Briefly, I would like to share with you in the next few minutes some of my own thoughts on this subject—thoughts I offer to you for discussion, elaboration, and finally, perhaps, further development of your own ideas in this most important area.

The first priority in any discussion of Federal Indian policy in my opinion is the issue of termination of federal supervision of Indians, and Indian lands without consent. This policy, perpetrated in the past through an ill-conceived notion that such a policy will improve the economic and social well-being of the American Indian, must be eliminated. I, Senator Anderson, and several others have in the Congress co-sponsored a Senate resolution (Senate Res. 34), introduced by Senator George McGovern (D. S.D.), that includes language which firmly establishes that it is not the intent of the Senate to support such leigslation now or in the future. I would like to point out that the present Administration, contrary to some recent remarks in the past few months, is on record as supporting this philosophy.

President Nixon, on September 27, 1968, and at that time a candidate for the Presidency, issued a statement to the National Congress of American Indians in Omaha, Nebraska, and I quote, "termination of tribal recognition will not be a policy objective, and in no case will it be imposed without Indian consent." end quote. I call this to the attention of the delegates assembled, and recommend that you hold President Nixon to his promise! In March, 1968 the late Senator Robert Kennedy stated in a Senate hearing on this subject, "termination policy as many have pointed out, has thoroughly 'poisoned the well' of meaningful dialogue among government officials, legislators and the Indian people." I say it is time to act on the concerns of Senator Robert Kennedy and promote a closer working relationship between the Indian people and government officials.

The second issue of federal policy requiring action, and support by you, and of course by the Congress, is the critically important need for the federal executive to reform the archaic administrative structure now in existence. The Indian people need a unified, coordinated federal administrative structure, one that is a separate executive department dedicated to improving and expanding Indian opportunities. Simply to criticize the Bureau of Indian Affairs or the Division of Indian Health Services as inadequate is not the answer. I believe there should be recommendations for meaningful revisions in the existing structure, that the federal executive as now organized is not capable of providing the necessary assistance to meet Indian problems.

I recommend also that you submit to the President a well planned carefully thought-out design for a reorganization of Federal Indian Affairs programs. Place the present Administration on notice that you can and will continue to assert your right to self-determination; that it is your right, and that you can and will organize tribally and nationally to exert your influence and share in the wealth of this—the richest nation in the world.

The role of the Congress in all this seems clear. It must be the sense of the Congress to insure the right of self-determination for the Indian people; it must insure the protection of Indian lands; it must seek to provide the assistance necessary for Indian people everywhere to maximize the human and natural resources potential of the Indian people and their lands; it must support the right of all tribal governing units and rank and file tribal members to participate and share in the health, education, and welfare assistance provided by the various federal assistance programs; and finally the Congress should insure the right of all Indians to enjoy the same rights an privileges of all American citizens.

The role of this Convention and all Indians everywhere I hope, among other objectives, will be to make their voices heard, in groups as you are assembled here, and as individuals. The slow but real progress that can be seen by the American Indian has been made possible through an organized, unified effort. This I believe, is a most important development and should be encouraged and strengthened.

The role of our national governmental leadership is also clear. New circumstances and new demands of the American Indian—must be met with equally new administrative directions, new philosophy, and new leadership.

President Nixon has said that "termination of tribal recognition will not be a policy objective"—let him state so with actions;

President Nixon has said, "the right of self-determination of the Indian people will be respected," I call on him to back this statement with a commitment of funds and executive reorganization to better implement these funds;

President Nixon said, "My Administration will promote the economic development of the reservation." I call on him to release greatly needed construction funds to build roads, and construct hospitals and clinics so desperately needed both on and off Indian reservations.

It is for the Nixon Administration to back up these promises made in Omaha last year with specific legislation, funds, and a statement of policy now, this year. The need for action is long overdue. The Indian people have been neglected for too long.

Today ¾ of all Indian families exist on a below-poverty-level income;

Indian health statistics are closer to health standards in underdeveloped nations in Asia and Africa. Average life expectancy (44 years) for the Indian people is 20 years below the national average;

50% of the water used by Indian families come from unsanitary open wells;

Housing conditions on and off reservations are a national disgrace.

This evidence, in my own State and throughout the U.S. shows dramatically the urgency for our present Administration to state as a matter of national policy to expand federal economic and social development assistance to the American Indian.

The American Indian, the true native peoples of this diverse and great country, must be provided with the opportunity to choose between assimilation into the mainstream and maintaining their cultural identity. Indian culture can and will add greatly to America's grand scheme of total cultural advancement.

Here in New Mexico we are proud of the rich heritage maintained by the American Indian culture. It is at once one of the beauties of America, the many diverse cultures that live in harmony with each other. We must preserve that heritage for generations yet unborn.

Thank you.

GRINGOS AND GENERALS

Mr. JAVITS. Mr. President, "Gringos and Generals," written by Roberto de Oliveira Campos, and published in the August-September issue of Interplay, should be required reading for every Member of Congress as we approach the annual foreign aid debate.

Dr. Campos, a brilliant and distinguished economist, served as Brazil's Ambassador to the United States from 1961 to 1964 and more recently as the Minister of Economic Planning and Coordination of the Government of Brazil. Dr. Campos was one of the principal members of the Pearson Commission whose recommendations on worldwide development assistance have been made public—in time to assist the planning of the United Nations family for the second development decade of the 1970's and to assist individual donor and recipient nations in their economic planning efforts for this decade.

In his perceptive article, Dr. Campos catalogs the difficulties prevailing in Latin American countries which hinder economic development, and presents a brilliant analysis of the present and changing role of the military takeover in Latin America.

In discussing the trade and aid controversy, Dr. Campos comes to the disturbing conclusion that Latin America is faced with the bleak prospect of "less aid and less trade." In describing the alliance and its successes and failures, Dr. Campos notes that—

Some of its basic ideas have percolated through the body politic and are now part of the contemporary political and economic wisdom.

Finally, Dr. Campos' introduction states:

Finally even though, in this age of jets and missiles, geographic proximity has lost much of its strategic relevance, and, even though lacking nuclear power, the developing countries of the Western Hemisphere are a source

more of discomfort than of danger, the fact remains that Latin America has a special relevance in the context of the West. Among the underdeveloped continents, it is the one with the best prospects for self-supporting growth and for moving ahead into the industrial age.

This quotation puts into excellent context the reasons why I strongly feel that Congress should continue the funding of our Latin American programs at least at the levels the administration has requested.

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:

GRINGOS AND GENERALS

(By Roberto de Oliveira Campos)

The name "Latin America" is a semantic oversimplification that conceals enormous regional disparities: (1) between Spanish and Portuguese America; (2) between the homogeneous societies of European stock (Argentina, Uruguay and Chile), the dualistic Indian-Spanish societies (Peru, Bolivia, Ecuador and Mexico), and the "melting-pot" societies such as Brazil and Venezuela; and (3) between the industrially developed economies of, say, Argentina, Mexico and southern Brazil and the largely agricultural economies of Ecuador and Paraguay. So anyone who discusses Latin America runs the risk of indulging in "glittering generalities into which the future will write its own meaning."

There are, on the other hand, several reasons why the topic is timely. Far-flung adventures, costly in blood and treasure and fertile in disenchantment, have diverted American attention in the past few years from the Latin American scene. But even though, in this age of jets and missiles, geographical proximity has lost much of its strategic relevance, and even though, lacking nuclear power, the developing countries of the Western Hemisphere are a source more of discomfort than of danger, the fact remains that Latin America has a special relevance in the context of the West. Among the underdeveloped continents it is the one with the best prospects for self-supporting growth and for moving ahead into the industrial age.

It is also the one which has the greatest affinities, as regards both culture and institutions, with the Western World. In fact, if we were to use the now fashionable terminology, the Third World, to describe the underdeveloped nations—characterized by hesitant experiments with capitalist and socialist ideologies as well as with authoritarian or democratic models, and leaning toward neutralist foreign policies—Latin America could better be described as a peripheral area of the industrialized West than as a component of the Third World.

Another factor which makes a review of the Latin American scene timely is the change of administration in the United States. This phenomenon stimulates the search for originality, and creates the need for a new image and a fresh approach. Foreign policy, unburdened by resentment and, one hopes, untouched as yet by routine, may still be pliable.

Last but not least, it is a fact that if we in Latin America—God forbid—continue to practice the "arithmetic of rabbits," there will, at the turn of the century, be twice as many Latin as North Americans in this hemisphere.

In terms of development, Latin American performance has been reasonably good in the postwar period, despite the problems created by political instability, inflation and sluggish export growth in some countries, and the deterioration of the terms of trade vis-à-vis the industrialized world. The gross national product increased at an average rate of 4.7 percent per annum; industrial production rose by some six percent; even agriculture, relatively neglected because of the fascination exerted on Latin Americans by the sense of power engendered by industrial growth, grew by some four percent per year. The growth in food production has, however, been inadequate to cope with the combined effects of the demographic explosion and the rise in urban incomes.

About 90 percent of all investment in the region has come from domestic sources though the foreign sector brought a crucial contribution in technology and import financing. And although the annual income per head in Latin America still averages only $350—only one-tenth and one-fifth, respectively, of the North American and West European averages—it is nevertheless three times greater than the Asian and African average.

In a daring oversimplification, I shall briefly run through a catalogue of the difficulties prevailing in Latin American countries.

There is, first of all, the question of improving agricultural productivity, in the interest of lowering inflationary food costs, increasing export availabilities and raising rural incomes, thus broadening the market for industrial production. To cite agricultural productivity first is not to downgrade industrial development, which alone can provide expanding job opportunities for the urban unemployed and the rural underemployed. It is simply to recognize the fact that industrialization, strange as it may seem, is an easier matter than agricultural modernization, since its technologies can much more easily be transplanted.

THE CRADLE AND THE PLOUGH

Second, there is the return of the crafty Malthusian Devil, which we all thought had been exorcised by the revolution in agricultural technology. It was revived by the introduction of antibiotics, which led to a much greater decline in mortality than in fertility. There is some hope, however, that the "second-strike" biochemical revolution of "the pill" may again restore the balance.

With a yearly increase of around three percent, Latin America has the fastest growing population in the world. Only in a few countries—Argentina, Chile and Uruguay—is population planning not a priority problem. While Mexico and Venezuela have managed to reconcile high rates of development with a demographic explosion, they nevertheless have to contend with the increasingly serious problem of providing employment for the burgeoning labor force.

This race subtracts resources that could be used for improving the standard of living and capital tooling, and creates tantalizing employment problems in a continent where roughly a third of the labor force is unemployed or underemployed.

Third, there is the problem of inflation, which for some obscure astrological reason affects most adversely those countries which lie wholly or partly south of the Tropic of Capricorn: Argentina, Brazil, Uruguay and Chile. Substantial progress has been made lately in stabilization programs (despite an inflationary relapse in Chile), after growing disappointment with the manipulation of inflation for forced savings and development, and blistering evidences of social conflict. A contribution the economists can perhaps make is to distinguish between price inflation, an all-too-familiar phenomenon, and price inflammation of the Latin American variety, which is purely and simply a disease of the social body.

Fourth, there is the question of the changing nature of the industrialization process, which in most countries can no longer be based mainly on import-substitution but must depend on expanding internal and external markets. This, in turn, will require boosting rural incomes through increased agricultural productivity, improving the pattern of income distribution to enlarge urban consumption, and moving much more boldly than has been politically feasible to date toward regional integration and better access to industrialized markets.

One of the most important ideological contributions of the Alliance for Progress was its emphasis on social development as a means toward stable and sustained growth, at tolerable levels of social friction. Even though the concept of the Alliance failed to capture the public imagination in Latin America, some of its basic ideas percolated through the body politic and are now part of the contemporary political and economic wisdom.

Most aspects of recent Latin American social performance in this context are negative, but some are positive. The darkest area would seem to be the absurdly unjust pattern of income distribution. According to ECLA's estimates for 1965, half of the population of Latin America received, in all, only 14 percent of total income, while 31.5 percent went to individuals in the top income brackets, comprising only five percent of the population. The brighter aspect is that, in most of the major countries, fiscal reform policies are now in force which will compel a substantial income redistribution. This is not only a humanitarian desideratum but an imperative for the creation of an expanding internal market. Since the inception of the Alliance for Progress, there has been not only a concentrated drive for fiscal reform, but a considerable increase in programs and expenditures for health, education and housing.

Agrarian reform laws have been passed in several countries, although actual progress has been exasperatingly slow. But undoubtedly one has to chalk up as a positive factor a much greater awareness of the problem of social development, and its acceptance as an essential part of government programs and planning.

One must start with two unhappy premises: first, that there appears to be no correlation between economic development and political development, and, second that political development is even less an exportable commodity than is economic development.

The issue of political development has been sharply brought to the fore by the recent ascendancy of the military in some of the larger countries of Latin America. This is described by many as an authoritarian relapse interrupting a desirable evolution toward democracy. But generalizations in this field are hazardous. It is necessary, in particular, to determine whether the military intervention was the cause, or merely the consequence, of the "political crisis."

STAGES IN POLITICAL DEVELOPMENT

It should be stressed that Latin America's progression from oligarchic and traditionalist forms of government to democratic pluralism is likely to be slow, hesitant and painful. One reason for this may be common to all developing countries. Another is more closely linked to behavioral patterns of Latin American politics, which, as one American sociologist puts it, reflect the traditional values of particularism, personalism and paternalism.

The analysis of the ascendance of military regimes in Brazil, Argentina and, more recently, in Peru, requires a consideration of the role that the military could and should play in the political life of developing countries. The first point is that the new generation of military leaders in Latin America shows little resemblance to the personalistic, "caudillo" type that characterized the first postwar wave of military regimes, such as those of Perón in Argentina, Rojas Pinilla in

Colombia and Perez Jiminez in Venezuela. We are dealing, in short, with a different breed, the technocratic variety, much less personalistic and much more concerned with institutional modernization.

The second point is that the ascendance of the military is not a peculiar Latin American anti-democratic deformation, but a fairly widespread phenomenon in the developing world. This seems to reflect the peculiar stresses of the modernization process, and involves much more complex motivations than the lust for power, the anti-Communist obsession, or the defense of conservative interests, which are supposed to underlie military movements in Latin America. These other motivations, discernible in quite a few instances, are:

1) Nation-building after recent decolonization, when the military are the only national group equipped with at least rudimentary administrative skills, and capable of serving as an integrating force in the face of dissident tribes, castes and religions;

2) Modernizing reforms, in the face of legislative impasses created by the resistance of traditionalist groups dominating the political process, thus creating the need for an enlargement of the executive power; and

3) Crisis management, in the case of the breakdown of social discipline after populist regimes which, by raising extravagant expectations of welfare and social justice well beyond the capabilities of the existing institutions and resources, have led the countries into social turmoil and economic chaos. There have been in Latin America too many engineers of chaos disguised as defenders of freedom.

The first motivation is certainly relevant in the African and Asian context, though not meaningful to Latin America, where national unification has long been attained. The recent abandonment by the Brazilian military of their traditional role of arbitrators, and by the Argentinian of their tutorial role, in favor of direct engagement in the political arena, must therefore be explained in terms of the other sociological components.

TRANSITION PAINS

In a broader context, the basic problem of Latin American politics is the transition from the elitist oligarchic regimes to pluralistic democratic models, in the context of a paternalistic, particularistic and personalistic set of values. In some cases, such as that of Mexico, after a bitter period of social convulsion, a regime of "consensus authoritarianism" has been established, which allows, within the confines of a single party, sufficient room for the play of interest and the expression of grievances so that tensions have thus far been absorbed and political stability maintained, although there are signs that the agglutinative power of the Revolution may now be thinning out. Other countries, such as Costa Rica and Chile—fairly homogeneous societies—have attempted a direct transition to democratic pluralism with apparent success, although it is unclear at this stage whether the frequent legislative impasses will not usher in radical solutions in Chile, Venezuela, after a long period of "caudillismo," is now trying a hopeful pluralistic democratic experiment.

In Brazil and Argentina, this transition was first attempted through the "populismo" of Vargas and Perón. In both cases, inflation and economic stagnation finally ensued, brought about by utopian promises of welfare without any prescriptions for manageable growth.

After the downfall of the populist dictators, the "political class" failed repeatedly in the task of managing the transition. It was slow in accepting reforms, the splinter "personalistic" party system led to legislative impasses, and utopian promises continued to be regarded as the basic raw material of political success. In short, democracy deteriorated into demagoguery.

The assertion of authoritarian discipline and the hypertrophy of executive powers may well be the price to be paid in situations of "crisis management," when prolonged inflation has broken down social discipline, confronting the nation with the sinister combination of inflation cum stagnation. For, then, the society becomes brittle, with no margin for social accommodation, and inflation invariably assumes the features of a bloodless civil war.

Nobody has really discovered the secret for readily converting into successful electoral stuff the brutal measures needed to cure a long-term inflation accompanied by populist repression of politically sensitive prices, resulting in stagnation in basic investment and distortion of its pattern. The consumer is resentful because of the elimination of subsidies to consumer needs (housing, food); the politician, because of the slash in vote-yielding appropriations; the business groups, because of credit restraints. All, to be sure, are against inflation, provided the bitter anti-inflationary medicine is taken only by his neighbor.

WEAKNESSES OF AUTHORITARIAN RULE

But to try to understand the transitional role of the military in the process of modernization and development is not to ignore the perils of this role. Authoritarian governments have often failed to control inflation and to promote capital accumulation. And several developing countries have had success in solving the problem of accumulation while maintaining substantially open economies and relatively free political systems. All that this proves is that no comfortable generalization is possible. If it is absurd to claim that the destruction of democracy is necessary for capital accumulation, it is equally naive to deny that in some developing countries, at certain times, there is a typical situation of crisis management, which cannot be solved through normal constitutional processes. Any objective assessment would indicate that in both Brazil and Argentina, under an alliance of military and civilian technocrats, economic performance improved markedly and long-awaited institutional reforms were enacted.

Let me now put forth some of the reasons which counsel only a temporary predominance of the military in the political arena. The military mind is susceptible to some peculiar deformations. There is, first, the propensity to expand the notion of national security to the point of curtailing individual liberties beyond the legitimate requirements for the restoration of social discipline. On the economic front, this may also lead to reserving to the state economic operations that could safely and much more effectively be conducted by private enterprise.

Second, there is the vulnerability to xenophobic nationalism. This leads to ambivalence. On the one hand, there is the desire to accelerate investment and growth. On the other hand, excluding foreign investment from resource development results in slowing down the rate of growth. A further contradiction is added when the potential for productive investment is reduced by military expenditures.

Third, the seduction of authoritarianism. Used to imposed discipline, the military has little patience with the art of democratic compromise. Moreover, personal criticism, inevitable in the democratic debate, is often resented as an attack on the "military institution," eliciting authoritarian reactions.

Fourth, there is the problem of communication. Except in the military regimes of the "populist" charismatic type, there is a tendency to underestimate the importance of political parties to coalesce diffused aspirations into intelligible work programs and to act as channels for popular communication, the articulation of interests and the expression of grievances. This may lead to isolation and rigidity, concealing rather than eliminating the buildup of social and political tensions.

Let us look at the current dilemmas that have to be faced by the United States in formulating policies to assist in the economic development of Latin America, *e.g.*, the aid burden, the aid relationship, and the trade-versus-aid controversy.

THE AID AND TRADE CONTROVERSY

There appears to be in the United States a feeling of both fatigue and disenchantment with foreign aid. This is due partly to excessive expectations. False analogies with the Marshall Plan—where the problem was simply that of reconstructing a physical structure and putting to use existing human skills—helped in creating expectations of dramatic and immediate yields. Then there is the bitter frustration and the enormous cost of the Vietnam involvement. Third, there is the feeling that the aid burden is not adequately shared with other industrialized countries, some of which are enjoying balance-of-payments surplus, while the U.S. continues to suffer a deficit. Fourth, there is a vastly exaggerated idea of the real burden of aid.

The truth is that the aid burden has steadily declined in the present decade. Measured as percentage of GNP, the net share of aid of the US has declined from 0.75 percent in 1960 to 0.70 percent in 1967. The same is true for the other big donor countries, with the exception of Germany and Japan. Thus, the magnitude of aid, which in 1967 averaged 0.75 percent of GNP of the member-countries of the Development Assistance Committee, fell well behind the target of one percent of GNP accepted at the United Nations Commission on Trade and Development (UNCTAD) Conference in New Delhi. In terms of proportion of GNP devoted to aid, the United States ranks presently as the ninth largest contributor, surpassed by France, Portugal, Netherlands, West Germany, Belgium, the United Kingdom, Switzerland and Japan.

The real aid burden has been further reduced by the improvement in the terms of trade of the industrialized countries vis-a-vis the developing nations. Price relationships have so benefited the industrialized nations that the purchasing power of exports of developing countries fell by 19 points between 1953 and 1967, of which not less than 10 points was during the current decade. Thus, part of the real resources yielded for aid by taxpayers of donor countries has been recaptured in the form of lower import prices for their consumers.

The burden of aid has been further moderated by the system of tied procurement. At the same time that the grant component was shrinking, procedures linking aid to exports of goods and services became so widespread that by now no less than 80 percent of all aid is "tied." This growth of "tying" reflects the adverse balance-of-payments position of certain donors, particularly the U.S. and the stiffer competition for export markets. But the movement proved very contagious. The result has been a loss in the flexibility of planning by developing countries, and an increase in the real cost of their imports; and the transformation, for the donor countries, of unselfish development assistance into schemes for export promotion.

This brings about the vexing question of the aid relationship. A few points must be clearly stressed at the outset. Effective use of aid resources is fundamental if the objective of aid is to promote development. Hence the concern of donors with the performance of the receiving countries is a legitimate one. However, the definition of performance criteria is hardly an exact science and, in practice, is subject to fads. Infrastructure, education, agriculture, encouragement to the private sector, all these have in recent years taken turns as "the" development fad in donor countries.

And it appears that a new fad is now emerging, which consists in measuring the performance of receiving countries in terms of political development. As this is even less quantifiable and scientific than the former criteria, it can be anticipated that it will bring about confusion and irritation if it is used. The evaluation of performance by international organizations is far preferable to bilateral procedures which often generate a feeling of dependence and antagonism. This is in fact the most cogent argument for multilateralization of aid.

The importance of a pragmatic approach to the problem of performance evaluation can hardly be overstressed. There has in fact been a healthy evolution in the US aid philosophy, three different periods being easily distinguishable. During the Dulles era, aid was *ideological*, in the sense that it was designed to reward political allegiance; in the Kennedy area, it became *idealistic*, in the sense that it was used as a leverage to promote supposedly desirable social reforms. Later, in the Johnson era, it became essentially *pragmatic*, its basic criterion being not social change or political allegiance, but the effectiveness of the utilization of resources. Perhaps it should remain so, for the variety of national situations is enormous, and there is no development formula of general applicability. Moreover, the leverage of aid has been vastly overestimated as an instrument to promote reforms and modernization. Aid is aid, and not a panacea.

A BLEAK PROSPECT

Political disenchantment and an exaggerated view of the aid burden make the prospects bleak indeed for aid expansion. This underlines the urgent need for bolder moves in the field of trade. Acceleration of exports from developing countries should therefore be an important element in the global strategy for development. Ideally, aid and trade should be complementary rather than alternative, for, on the one hand, the expansion of trade may require structural changes that could only be financed by aid, and on the other, some countries do not have the resource flexibility for a substantial expansion of trade in the short run.

The alarming note in the present policy perspective is that we are faced with rather negative prospects on both counts: in aid, because of disenchantment, and in trade, because of a recrudescence of protectionism in the U.S. We are in fact faced with the bleak prospects of less aid and less trade.

Some basic facts may be recalled. The share of the developing countries in world trade has declined from 27 percent in 1953 to less than 20 percent in 1965. Growth in the exports of primary products was 4.7 percent per annum between the same period while the growth in trade of manufactured products was 9.3 percent.

If part of the blame lies with the developing countries that practiced overvalued exchange rates or neglected the export sector, and if another part is explainable in terms of technological advances in the production of synthetics or savings of raw materials, a large measure of guilt lies squarely with the developed countries themselves. In the case of non-competing tropical products, they have raised barriers to exports from the developing countries by fiscal charges and, to a lesser extent, quantitative restrictions. In addition, violent price fluctuations in basic commodities had deleterious effects on planning and growth.

There is in fact a bitter irony in that the developing countries are expected to carry out politically difficult economic and social transformations, while developed countries consider it politically impossible to effect relatively minor changes in their trade structure. Even the economic folklore reflects their double standards of judgment. The competitive ability of the developed countries in world markets is described as "productive efficiency"; the timid inroads of low-cost manufactures of developing countries in industrial markets are described as "market disruption."

WHERE RESPONSIBILITY LIES

If the developed world is serious about helping developing countries—because the sharing of progress is not only a humanitarian necessity but a requisite for world peace and stability—then the problem of trade must be urgently reconsidered, lest the availability of foreign exchange become a strangling constraint on the growth of developing countries.

Such measures must include commodity agreements for a few products, compensatory financing to stabilize export earnings, but chiefly the elimination of fiscal charges on non-competing products and abatement of protectionist and subsidization measures for non-competing primary products. Since it is recognized that the most dynamic field for trade expansion is the commerce in manufactures, urgent consideration should be given to implementing the scheme for preferential treatment to manufactures from developing countries, a principle that was agreed to at the UNCTAD conference held in New Delhi, but which has remained theoretical.

USEFUL MEASURES

A constructive scheme was recently worked out with the participation of important elements of the US business community at the Bogota meeting of the Inter-American Council for Commerce and Production (CICYP). According to this scheme, the United States would, for a year, give unilateral preferences to processed and manufactured products of the developing world on a non-discriminatory basis. But it would narrow such concessions to cover only the Latin American countries if, within a year, the European countries failed to take similar measures, or if the Common Market preferences in favor of African primary products, which discriminate against Latin America, were to remain in force.

This measure would be at the same time an invitation for a worldwide liberalization of trade and a recognition of the special position of Latin America, as the only main unsheltered area in world trade.

Of course, there are many clues but no key for understanding the process of development. This is an elusive key indeed. Finding it would require a proper blend of emotion and rationality; the moderation of utopian longings and the raising of the level of efficiency; the conciliation between patient capital accumulation and welfare aspirations. Finding this key should be the object of everyone's effort, the purpose of man's quest, and eventually the substance of our reward.

A LETTER FROM CUBA: THE HUNGER STRIKE IN LA CABANA PRISON

Mr. DODD. Mr. President, on September 30, I placed in the RECORD an appeal on behalf of the 85,000 political prisoners in Castro's jails which I had received from the Hartford Committee of Relatives and Friends of Cuban Concentration Camp Prisoners.

A few days ago, I received a second communication in the form of a letter smuggled out of Cuba to this country by a Cuban resident who had recently visited an imprisoned relative in the infamous La Cabana prison. For obvious reasons, the names of the sender and the recipient cannot be revealed. But because I feel that this criminal situation must be repeatedly brought to world attention, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the full text of the letter.

From fragments of information like this, it has become possible to put together a reasonably accurate picture of the 20-day hunger strike in La Cabana prison which took place in the month of August. According to this letter, the prisoners demanded deportation from the country or death.

So long as Cuban refugee flights to this country are continued, it seems to me that we should take the stand with the Cuban Government that the many thousands of political prisoners should be placed at the head of the list, rather than letting Castro select all those who are flown to the United States, as has been the case up until now.

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

HAVANA,
September 5, 1969.

DEAR FRIEND: I hope that when you receive this you are well. We here are . . . well I should not even tell you about it. To start with the general situation here could not be worse specially with the food situation that is very bad. We do not know how we are able to go from one day to the next, specially at the end of the month, because at least at the beginning they give you a little more of rice and a few ounces of beans without any spices and if it is vegetables and fruits one gets none of them as when there are bananas they are for the children.

The other side is what is occurring at "La Cabana" prison. Before in the month of August there was a 20 days hunger strike because of the food, the visits to prison and the mail.

After 20 days those in the upper floors gave up but seven days ago the hunger strike was renewed for the same reasons but now they say that they also demand deportation from the country or death.

Yesterday I went to "La Cabana" I spent the whole day there and it was horrible. I cannot believe I am back home, it is unbelievable we are not all dead or imprisoned as we were over one thousand relatives and friends screaming and telling the military all of the horrors they are doing. We were all hysterical. They started with their guns hitting us and shoving us from the streets saying we could not remain. We even called them s.o.b.

Well J . . . for much I may bring to your attention of what happened yesterday this would not even half describe it

The prisoners have said that after Saturday if they do not solve their problems they would not even drink water. There are (5) five thousand in this determination so I only beg that the world does not let these amount of prisoners die. You can imagine how we feel, those of us who have a little of ourselves in there. Yesterday we all agreed that we had to find a way the whole world finds out what is happening there with all Christians. The reality is that we are all going mad and we do not know what to do.

Well J . . . I will not tire you with all the horrible calamities we are undergoing. See what you can do with all our friends that I ask to be remembered to.

I thank you.

PARVIN FOUNDATION'S SOURCE OF FUNDS

Mr. THURMOND. Mr. President, yesterday the Washington Evening Star published an extremely important Associated Press story concerning the source of the funds which supported the Parvin

Foundation's Salary to Supreme Court Justice William O. Douglas.

As Senators will recall, the basic source of the Parvin Foundation's funds came from a deal centering around the Hotel Flamingo in 1959. At that time, Albert Parvin donated 2,085 shares of Flamingo stock worth $1.1 million to set up the foundation, after consultation with Justice Douglas.

Now the Associated Press reveals that the actual sale of the hotel in 1960 was masterminded by Meyer Lansky, one of the Nation's most notorious mobsters. AP says that Lansky got a $200,000 "finder's fee" for arranging the sale to a Florida group of investors. According to the contract signed by Parvin and Lansky, Lansky was to receive quarterly installments of $6,250 beginning January 2, 1961. Under these terms, Parvin would have been paying money to Lansky until October 1968.

Mr. President, this information shows that Parvin had a continuous business involvement with one of America's most clearly identified gangsters for the whole period of time that Justice Douglas was associated with the Parvin interests, except for the final 6 months.

Justice Douglas' involvement in a mobster operation speaks for itself.

Mr. President, I am sorry that I did not have this particular information when I spoke on the Senate floor about this matter on June 18. However, I am not surprised that it has come to light. At that time I said:

> The history of most of the major casinos, including those associated with the Parvin Foundation's interests, has been intertwined with the worst elements in American society. An Associate Justice of the U.S. Supreme Court can only bring the Court into disrepute by associating himself with the profits of such enterprise.

Mr. President, I said in the same speech that the Hotel Flamingo "bore the worst possible image in the public mind and in many newspaper and magazine articles over the period, and is, indeed, almost the primary example of a notorious enterprise."

At that time, I could judge only by the public reputation of the Flamingo. Now it is clear that more than "image" is involved. We have the direct involvement of gangsterism in the enterprise, an involvement that continued for most of the period in which Justice Douglas was in the group.

This information merely adds one more concrete link to gambling interests. I went into all these links in great detail last June 18; and for those who are interested, I refer to the daily CONGRESSIONAL RECORD, pages 16458–16465.

Mr. President, I ask unanimous consent that the article entitled "Mob-Linked Deal Supported Foundation Douglas Headed," published in the Evening Star, be printed in the RECORD.

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

[From the Washington (D.C.) Evening Star, Oct. 22, 1969]

MOB-LINKED DEAL SUPPORTED FOUNDATION DOUGLAS HEADED

(By Jean Heller)

LAS VEGAS, NEV.—A major source of financial support for the foundation which Supreme Court Justice William O. Douglas headed for nine years came from a deal set up by Meyer Lansky, one of the nation's most notorious mobsters.

Under a contract signed by Albert Parvin, Lansky was paid $200,000, for acting as middleman in setting up the 1960 sale of the Flamingo Hotel here. Parvin, former head of the Parvin-Dohrmann Co. of Los Angeles, was president and 30 percent owner of the company seeking to sell the hotel-casino, Hotel Flamingo, Inc.

The Flamingo was sold to a group which included Florida hotelmen Samuel Cohen, Morris Lansburgh and Daniel Lifter.

The $200,000 was a finder's fee which Lansky received for introducing the sellers to the Florida men interested in buying the hotel.

Parvin used a portion of the proceeds from the sale of the Flamingo to help set up the Albert Parvin Foundation.

Parvin said Justice Douglas aided him in creating the foundation. Douglas later served as its president and only salaried officer.

It could not be determined if Douglas ever learned of or was told of the background of the Flamingo sale at any time during his association with the foundation. Douglas was asked for comment but declined to discuss the matter. Parvin could not be reached for comment.

A federal grand jury in New York is reported to be looking at the dealings of Parvin, Parvin Dohrmann Co. and other individuals and companies in an investigation, but this probe apparently is unrelated to the Flamingo sale.

(United Press International reported Monday that Nevada gambling officials are investigating Parvin Dohrmann because of allegations included in a complaint filed against the company last week by the Securities and Exchange Commission. That complaint charges the firm with fraudulent activities.

(A grand jury in New York which is investigating attempts to influence government agencies has been given evidence, also cited by the SEC, that Martin Sweig, the now-suspended administrative assistant to House Speaker John W. McCormack, worked with Nathan Voloshen of New York to arrange a meeting between Parvin Dohrmann officials and SEC officials last May.

(The SEC had suspended sales of Parvin Dohrmann stock during an investigation of the company. That suspension was lifted several days after the meeting with Parvin Dohrmann officials).

According to a contract signed by both Parvin and Lansky, "Lansky has given Flamingo Hotel Flamingo, Inc. certain information regarding prospective purchasers and as a result of such information, Flamingo . . . has contacted a prospective purchaser and is presently negotiating the terms for the sale of its property. . . .

"Flamingo recognizes and acknowledges that it has been solely through the information and advice supplied by Lansky that the sale may be made. . . .

"Flamingo acknowledges that Lansky has been the finder of the purchaser of the property belonging to it, and as a result of Lansky's services in supplying the information as to the purchaser and advising Flamingo thereof, that he is entitled to payment for the services thereon. . . .

"Flamingo agrees to pay Lansky and Lansky agrees to accept as payment from Flamingo the sum of $200,000."

The agreement was dated May 12, 1960, more than a month after the Cohen-Lansburgh-Lifter group applied to Nevada authorities for approval of the Flamingo purchase. On June 1, the sale was given final approval by the Nevada Gaming Commission.

The terms of the contract stipulated that Parvin's company would pay Lansky the $200,000 fee in quarterly installments of $6,250 beginning Jan. 2, 1961. Under those terms, Parvin should have made the final payment to Lansky in October 1968.

Lansky's name has come up repeatedly in recent investigations of organized crime. Sen. John L. McClellan's permanent investigations subcommittee, for example, describes Lansky as "one of the country's top gangsters."

Frank Johnson, chairman of the Nevada Gaming Control Board, was asked about the state's official attitude toward any Lansky involvement in gambling activities here.

"He is not the kind of man we want doing business in this state," Johnson said. "And that's putting it as mildly as I can."

The purchase price of the Flamingo was $10.5 million. Parvin was the principal stockholder with more than a 30 percent share of the company which sold the hotel-casino. Harry Goldman, Parvin's partner in Parvin-Dohrmann—a multimillion dollar-a-year hotel supply business in Los Angeles—held 7 percent. Other stockholders included singer Tony Martin and actor George Raft.

Parvin said in an interview in 1964 that four years earlier he contacted Douglas and sought his help in setting up the foundation. Douglas agreed.

Tax records of the Parvin Foundation dating back to 1962 show that Douglas was serving as president at an annual salary of $12,000. Proceeds from the Flamingo sale show up regularly through 1968 as one of the foundation's largest assets.

Foundation tax records prior to 1962 are not public information.

Douglas came under sharp congressional criticism last spring for his involvement with the foundation, especially when it was disclosed that he wrote Parvin telling him that an Internal Revenue Service investigation of the foundation was "a manufactured case."

In May, Douglas resigned as president of the foundation.

The Parvin Foundation has also had an interest in several Las Vegas hotels and casinos by virtue of the Parvin Dohrmann stock it held. Parvin Dohrmann owns three casinos here, the Aladdin, the Fremont and the Stardust.

Harvey Silbert, secretary of the foundation, said it severed all its gambling ties in May—the same month Douglas resigned as foundation president—when it sold its share of Parvin Dohrmann. Silbert also said the Flamingo mortgage was paid off earlier this year.

Parvin has sold out his interest in Parvin Dohrmann as well, but still maintains the foundation.

In June, after Parvin sold out, Parvin Dohrmann and Denny's Restaurants Inc. announced they would merge, but the plans were canceled earlier this month. Several days later both firms and their officers found themselves embroiled with the Securities and Exchange Commission.

The SEC complaint, filed in Federal District Court in New York, alleges violation of anti-fraud, report-filing and credit provisions of the federal securities laws in connection with the now defunct merger plans. The SEC also accused Parvin of filing a false and misleading proxy statement with the commission.

It is not known how long Lansky and Parvin knew each other prior to their 1960 business dealings, but Lansky had known the three principal purchasers of the Flamingo for some time.

Records of the Nevada Gaming Control Board show that Cohen, Lansburgh and Lifter are associates in a number of large Miami Beach hotels including the San Souci, Deauville, Sherry Frontenac, Casablanca and Versailles. Additional Florida records show they also have associates in the Crown Hotel, the Eden Rock Hotel and the Waikiki Motel, all also in Miami Beach.

According to a report prepared by the Gaming Control Board's investigative staff and read into the record at the board's hearing on the sale of the Flamingo, Lansky ap-

proached the three members of the Florida group in 1957 with an offer to sell them the Havana Riviera Hotel in Havana, Cuba.

The group declined the offer, the report said, after Lansburgh went to Havana to evaluate the property and learned of the growing strength of Fidel Castro. It was fear of Castro that caused Lansburgh to drop the matter with Lansky.

The trio was approached again by Lansky in late 1959, the report stated, when Lansky asked if they might be interested in making a loan on a motel north of Miami Beach. They told Lansky they weren't interested.

All three individuals, according to the report, acknowledged that they knew Meyer Lansky and his brother, Jake, but stated:

"We have never received any money from Meyer or Jake Lansky, or any of their associates; never paid any money to them; and, there has been no association where they might say they have any part of our business in any way."

POLITICAL RIGHTS FOR WOMEN

Mr. PROXMIRE. Mr. President, recently I received a letter from the National Federation of Business and Professional Women's Clubs supporting the ratification of the United Nations Convention on the Political Rights of Women. The membership of the fine organization includes federations in every State, the District of Columbia, Puerto Rico, and the Virgin Islands and has a total membership of over 180,000 members. This year the federation is celebrating its 50th anniversary. The members of this organization exhibit the qualities which the Convention on Political Rights for Women seeks to recognize on an international level. The successes of these women are undeniable proof that women are ready to assume the full political rights reserved to men for so many generations.

I have read over the national legislative platform of the federation and ask unanimous consent that it be printed in the RECORD as an example of the new responsibilities women are willing to assume. This platform deserves careful consideration by every Member of Congress. The adoption of the federation's goals—particularly the ratification of the Convention on Political Rights for Women—would represent a great stride in guaranteeing the political equality of women.

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

NATIONAL LEGISLATIVE PLATFORM ADOPTED BY THE NATIONAL CONVENTION, ST. LOUIS, MO., JULY 20–24, 1969

ACTION ITEMS

Item 1. Constitutional Amendment: Support legislation to amend the Constitution of the United States to provide that equality of rights under the law shall not be denied or abridged on account of sex.

Item 2: Actively work for pending legislation providing for: (a) a broadened head-of-household benefit under the Internal Revenue Code; (b) increased personal exemption and credit for dependents under the Internal Revenue Code; and (c) a more equitable distribution of the tax burden.

Item 3: Propose and support legislation to provide: (a) uniform laws and regulations for men and women as to working hours, working conditions, rates of pay, equal employment opportunity, including retirement for age; (b) equal treatment for working men and women in the area of survivor and retirement benefits; and (c) increased child care deduction under the Internal Revenue Code.

Item 4: Propose and support state legislation to provide for uniform jury service and uniform qualifications in the selection of men and women to serve on grand or petit juries in any court.

Item 5: Propose and support legislation to bring about more effective crime control and law enforcement.

POLICY ITEM

Support measures within the framework of the Constitution of the United States that promote peace and strengthen national security and make more effective the United Nations and such other international organizations of which the United States is a participant, without relinquishment of our basic freedoms.

Special note is called to the United Nations Convention pending before the United States Senate on the political rights of women and to the long-standing support for ratification of this convention by the Federation.

WENDELL WILLKIE

Mr. JAVITS. Mr. President, this month is the 25th anniversary of Wendell Willkie's death, yet he is remembered still for his dream of "One World" and his life's commitment to it.

From time to time in the years since Wendell Willkie's death, authors and others have caught the spirit of the man and found it of continuing pertinence to our contemporary life. I ask unanimous consent, therefore, that an editorial written 2 years after Willkie's passing and published in the Indianapolis, Ind., News, be printed in the RECORD.

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

THE TORCH STILL BURNS

Two years ago, in the bright beauty of an October afternoon, Wendell Willkie came home to Indiana, to return to the rich earth from which he sprang. On a green hillside over which flamed the tapestry of October, the man whom Indiana gave to the world was laid to rest. On the place where he slept, the leaves came drifting down from the hackberry and linden sentinels for his eternal rest.

The great voice that had been raised for freedom was still. But even death can not quench a dream, and a flaming spirit lives beyond mortality. Wendell Willkie had fired the thoughts of men, and touched their hearts, and the world picked up his torch. His words live, and his dream moves on toward realization. Greatness does not die.

Symbolic recognition of that truth is afforded, as fully as can be expressed in stone, by the memorial that has just been placed at his grave. This is truly a shrine to freedom. It has the idealism of the cross, the sword of the spirit, the torch of humanity, the book of inspiration, and the laurel of victory.

It is the torch and the book that will carry the message of Wendell Willkie to those who come in the years ahead to the East Hill cemetery in Rushville, there to pay homage to one who was a friend to all mankind. There is no fire in the granite torch. Rather the flame is in the words graven on the book that all may read as they rest and meditate. They are the words that were Mr. Willkie's creed:

"I believe in America because in it we are free—free to choose our government, to speak our minds, to observe our different religions.

"Because we are generous with our freedom, we share our rights with those who disagree with us.

"Because we hate no people and covet no people's lands.

"Because we are blessed with a natural and varied abundance.

"Because we have great dreams and because we have the opportunity to make those dreams come true."

Mr. Willkie lived those words, as all Americans should live them. And his heritage to his fellow countrymen is contained in these other lines on the book, taken from his speeches and "One World":

"There are no distant points in the world any longer—our thinking in the future must be worldwide.

"We must establish beyond all doubt the equality of men.

"The world is awakening at last to the knowledge that the rule of people by other peoples is not freedom.

"Freedom is an indivisible word—we must be prepared to extend it to every one, whether they are rich or poor, whether they agree with us or not, no matter what their race or the color of their skin.

"The only soil in which liberty can grow is that of a united people—we must have faith that the welfare of one is the welfare of all—we must acknowledge that all are equal before God and before the law.

"Only the productive are strong, only the strong are free.

"It is inescapably true that to raise the standard of living of any man anywhere in the world is to raise the standard of living by some slight degree of every man, everywhere in the world.

"Whenever we take away the liberties of those whom we hate we are opening the way to loss of liberty for those we love.

"The moral losses of expediency always far outweigh the temporary gains.

"The test of a people is their aim and not their color."

Those words still speak to a world that has yet to know their full meaning. They are as true as the ages. And as long as there are living men to read them, and warm hearts to respond, the spirit of Wendell Willkie will endure. His torch still burns.

ARCHIBALD RUTLEDGE, THE POET LAUREATE OF SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, I hope Senators will grant me indulgence today if I was somewhat poetic. I do so because I am paying tribute to a man who is close to my heart and to the hearts of readers throughout the world who cherish beautiful poetry.

Today is the 86th birthday anniversary of Archibald Rutledge, who since 1934 has been the distinguished poet laureate of South Carolina. Mr. Rutledge has written movingly about his beloved native State, but indeed, his true title should be poet of the South. For it is the South, both old and new, with which this great writer has had a lifelong affair of heart. The reader sees and feels the beauty of the Southern mountains in his poetry. He joins the poet beside the slow-moving rivers. He watches the harvest of the corn and cotton. He understands the rapport between hunter and dog, and hears the singing of the birds on an early morning. I think, perhaps, Archibald Rutledge himself is characterized in one of his four-line poems, entitled "The Few." It says:

The songs that poets sing are mortal, too;
But most miraculously in a few
The granite of eternity lies hid.
The great song builds its own proud pyramid.

Mr. Rutledge's biography is a veritable "who's who" in the world of literary achievement. He has had his writings published since he was a teenager. He is a member of the International Society of Poets Laureate, and was elected by that society as Nature Poet Laureate of America. He is South Carolina's elector to the Hall of Fame. Mr. Rutledge is the author of 87 published books, of which his most recent collection—Deep River—is used by all American universities and by the Sorbonne in Paris and Oxford and Cambridge in Great Britain. His works have been translated into many languages, and he personally has recorded 75 of his poems for the Library of Congress. More than 60 have been set to music, and many appear in other anthologies and textbooks. Incidentally, Deep River has won 61 gold medals. He also has the John Burroughs medal for poetry. Of his writing, the noted critic of the London Times says:

This is the clearest and most splendid poetry this reviewer has read in 50 years.

Mr. Rutledge belongs to Phi Beta Kappa, the American Society of Arts and Letters, the American Poetry Society, and the South Carolina Poetry Society. His writing has brought him 23 honorary degrees.

Mr. President, the man honored today was born in tiny McClellanville, S.C., and perhaps this more than any other factor shaped his life. He left South Carolina as a student and taught English for 33 years at Mercersburg Academy in Pennsylvania. But when he retired, Mr. Rutledge returned to his family home and began another labor of love—the restoration of his boyhood home, Hampton Plantation.

Despite a life of accomplishment and accolade, Archibald Rutledge chooses the quiet life rather than seek the attentions of the world of admirers. Of himself, he says:

I am not a joiner, but a leisure-time hunter, forester, archeologist.

I have read many of his poems. To me, their beauty and grace are a continuing source of inspiration, as in his moving poem, "The Silent Hills." It speaks eloquently, not only of the poet, but of a philosophy of life which many men grope for in this age of plastic and steel and computers.

I commend Archibald Rutledge today. His life, his writings have given life and love and happiness to others. He was given the genius of poetry, the artistry of seeing the world around him, and the perception and tenderness of expressing it—and has been greatly blessed by these gifts. To you, Mr. Poet Laureate, I wish many more birthdays and much happiness.

ADDRESS BY SENATOR GOLDWATER BEFORE ASSOCIATION OF OLD CROWS

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a speech which I delivered on October 21 before the sixth annual banquet of the Association of Old Crows at the Washington Hilton Hotel, in this city.

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

AN ADDRESS BY SENATOR BARRY GOLDWATER, OF ARIZONA, BEFORE THE SIXTH ANNUAL BANQUET OF THE ASSOCIATION OF OLD CROWS AND THE FIRST SYMPOSIUM ON ELECTRONIC WARFARE, OCTOBER 21, 1969

Mr. President, ladies and gentlemen, it is a privilege to be with you here tonight on the occasion of this important annual conference, and it is refreshing to be referred to as a "Crow."

I suspect there are many people in Washington that would tell you quite freely that Barry Goldwater is a real bird. What they mean is that Barry Goldwater is a Vietnam hawk.

I sincerely thought I had reached the pinnacle in that particular department until a few days ago when I suggested that if the Communists continued to block any and all efforts to achieve a peaceful settlement in Paris that we should bomb the Port of Haiphong and destroy the railroad which runs along the Red River Valley from Communist China. And that is when I really achieved the ultimate. I was described in numerous radio broadcasts as a "hawk of hawks."

On the subject of Vietnam, I willingly admit to the status of a hawk. In fact, I am indeed proud to be counted among those Americans who believe that when our nation is committed to war in the name of human freedom every effort should be made to win that war.

And by this I do not mean to imply that I am against peace. I want peace as much as any other concerned person in this great land of ours. But I do not want a fraudulent peace. I do not want peace at any cost. I do not want a peace which would dishonor us in the eyes of the other nations of the world. And I do not want a peace that would cost us heavily in lives, blood and respect.

We have all heard a great deal about the recent Vietnam Moratorium demonstrations. These were promoted in the name of peace. As such, they attracted some support from persons honestly concerned with the prolonged war in Vietnam and who seemed to think that they could perhaps hasten its end by taking to the streets. I am here to tell you that this is not the way policy is made or can be made in a Republic. Democratic processes provide other legitimate means for changing any official policy with which Americans might disagree. That is what our free election system is all about. That is why American citizens are provided with the right to vote. The ballot box is provided to serve those who would continue existing policies and officials or replace them with others who hold a different view.

Some leaders of the Moratorium claim that by protesting and demonstrating in the streets peace advocates in this country could show the President of the United States that there exists in this country a desire for an end to the bloodshed in Vietnam.

Having discussed the war with President Nixon on repeated occasions, I can assure you that he needed no announcements from the Vietnam Moratorium Committee, no demonstrations by the SDS, no new flood of speeches by the political doves to impress upon him the fact that there is unhappiness and dissatisfaction throughout the land because of the war in Vietnam.

Who, I am forced to ask, do these people think they are fooling? Certainly not the President of the United States, nor the Department of Defense, nor any of the military services, nor not many of the members of Congress. The President and everyone else concerned have been living with this problem day and night for many, many months. The Administration didn't need a lot of hoopla to convince it that Americans are weary and frustrated over the progress of events in Vietnam. Nor did it need any reminding of the fact that the majority of Americans are dedicated to the cause of an honorable peace.

I say now and I've said before that the Moratorium served no useful purpose for our nation or our government but did serve an important propaganda objective for the Communist enemy. Statements from Hanoi, from Moscow and from Peking make it abundantly clear that the Moratorium was used—wittingly or unwittingly—as prime ammunition for the Communist propaganda machine.

And I want to say now that there were along with the responsible Americans who demonstrated on October 15 some whose objective was not peace but a Communist victory.

As a matter of fact, some spokesmen were very clear about it. One Senator said, and I use the quotes attributed to him by the *New York Times* on October 16:

"I think history would see nothing wrong if Nixon does preside over the first military defeat of this country, but would regard it instead as a measure of great statesmanship."

I don't think we have to concern ourselves here or anywhere with what history would see in a complete and immediate withdrawal of American forces from Vietnam. Of much more immediate concern is what the majority of patriotic, upstanding and honorable Americans would think of their nation defaulting on an honorable commitment and surrendering to a Communist enemy. They wouldn't wait for history and they wouldn't call it statesmanship. Most Americans would call it an unconscionable act of cowardice. They would see it as the most costly move ever made by the United States in a military operation.

You don't have to accept my word. Former Defense Secretary Clark Clifford said it all when he described a proposal to withdraw American troops from South Vietnam by December, 1970, as "unrealistic and impractical" and an action which would result in—and I use his precise words—"a bloodbath."

Mr. Clifford, like everyone else who has any knowledge at all of military operations and strategy, realizes that such a withdrawal would cause the collapse of the military and the collapse of the government in South Vietnam. It would lay South Vietnam and all of Southeast Asia wide open to Communist conquest and terrorism.

It is one thing for people who dislike war to take to the streets and yell for withdrawal of American military forces as a means of promoting peace. It is quite another to take the responsibility for defaulting on our commitments and breaking faith with this nation's young men who have fought and bled and died in Vietnam.

Have you ever thought what would happen if one of the nation's foremost doves were suddenly to find himself President of the United States, Commander-in-Chief of the Armed Forces and the strategic leader of 200 million Americans as well as the rest of the free world?

Of course, we'll never know for sure. But based on the actions of three Presidents of varying degrees of philosophical leanings, I would say that it is a lead-pipe cinch that none of the doves would move any faster in the direction of disengagement than President Nixon is doing at this very moment.

It is not enough just to make a big noise in the name of peace and then demand impossible military actions such as complete and immediate withdrawal of troops. That is easy. It is simplicity itself. But it carries with it not one ounce of responsibility for what might happen to American lives and to our own national strategic interests if such action were to be taken by the person in authority.

Leadership in these times is not easy. In Vietnam and at home President Nixon is faced with hard decisions, some of which are bound to be unpopular. And it stands to

reason that his task is made more difficult by people who demonstrate and shout easy answers to tough questions. As I said before, the shouting is easy, but the doing takes some guts. I say we are fortunate to have in the White House a man of sound judgment and high courage who has had the honesty and directness to inform the emotional crowds with their banners and their signs that policy is not made in the streets.

And while I am at it, let me say that I hope that policy will continue to be made in the White House, in the State Department and in the Department of Defense. In light of what I have read in the newspapers in the last couple of days, I sincerely hope that no part of our official policy will be made in the office of U.N. Secretary General U Thant. Mr. Thant does not strike me as the kind of man whose record is such that he can be counted upon to serve in the post of "broker" to work out a viable, political situation in South Vietnam.

I, for one, remember Mr. Thant's efforts in connection with the Cuban missile crisis. I also remember the part he played in the Middle Eastern situation just prior to the war of June, 1967. Neither situation convinced me that he is a man whose judgment is superior and whose political concerns are entirely objective.

I notice that the same people who are urging that U Thant be assigned the role of broker in Vietnam are those who supported the Vietnam Moratorium. For example, one Senator claims that President Nixon was wrong to treat the Moratorium as something which made him a target. He said the President should have treated it as "something in which he could have played a part."

This is patently ridiculous on its face.

Can you imagine the President of the United States participating in a movement that was aimed against what he himself thought was the best course for this Nation to pursue?

Can you see him playing a part in suggestions about presiding over the first military defeat of this country?

Can you see the President of the United States approving pro-Viet Cong statements by people who insisted on waving the enemy flag?

Can you see the President of the United States turning his back on American fighting men and on American prisoners of war and on our South Vietnamese allies?

Perhaps others can see this happening, but I can't. I know Richard Nixon, and I think he's right.

Now the leaders of this anti-Vietnam war offensive tell us that they plan to escalate their efforts every month until the United States military involvement is ended. I understand that November 13, 14 and 15 are the dates fixed for the next round of demonstrations.

We also hear ominous rumblings which claim the protests in December will lead to riots and violence. I can only say that if this happens it will be a disgrace for an honorable Nation. Already our troops and our fighting men in Vietnam have had their morale severely shaken by the spectacle of thousands of people running through the streets and shouting their disapproval with what our fighting men are trying to accomplish. I believe anything that causes one single American military man unhappiness and discouragement in the pursuit of his assignment in Vietnam is indefensible.

But I am fully aware that such sentiments are not shared by the President's Vietnam critics and by those professional agitators who oppose any and all facets of American defense. Because of this, it is my hope that patriotic Americans will make a special effort on November 11, Veterans Day, to show their gratitude to the men in Vietnam. I am not here suggesting any kind of demonstrations or public display of patriotic emotions. Rather, I am suggesting that concerned Americans use this opportunity to write to a serviceman in Vietnam, or perhaps to the parents of such a serviceman, to express their quiet, heartfelt gratitude.

HEADSTART WORKS AS BILINGUAL TRAINING PROGRAM

Mr. YARBOROUGH. Mr. President, I recently received a letter which shows the great promise that Headstart gives of allowing our Mexican-American children of becoming productive citizens.

Bilingual Headstart programs, like bilingual education programs, are the hope of the future.

I am proud that the Senate has passed the poverty extension act and that Headstart will receive a reasonable if not ideal authorization. I hope the Members of the other body will also see the merit of these poverty programs and speedily pass the authorization bill.

Mr. President, I ask unanimous consent that the letter of October 14, 1969, from Mr. Jack R. Tarvin and its attachment be printed in the RECORD.

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

FORT WORTH PUBLIC SCHOOLS,
Fort Worth, Tex., October 14, 1969.

Senator RALPH YARBOROUGH,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Knowing of your interest in Federal Aid to Education, I thought the enclosed letter written by a Headstart aide and reproduced in her church paper would be of interest to you.

Respectfully,

JACK R. TARVIN,
Director, Federal Programs.

(NOTE.—The following account by Diane Dowdey has been prepared by her at my request for publication in the *Messenger* and even more widely, we hope. Diane, a freshman at Paschal High School and a member of South Hills Christian Church, participated in the Headstart program in connection with a Camp Fire girl religious growth project. As her minister I have consulted with Diane on requirements for the project, but the Headstart participation was her own idea, and I think one of the most remarkable fruits of her project—Jeff Hassell, Minister, South Hills Christian Church.)

"MERRY-GO-ROUND

"Where's the horse for a Negro child?
'Cause, Mister, I want to ride.
Down South, where I come from
White folks and colored can't sit side by side.
On the trains there's a Jim Crow car;
On the buses we sit at the back.
But there ain't no back to a merry-go-round,
So, Mister, where's the horse for a child that's black."

—LANGSTON HUGHES.

Although we have come a long way from the conditions this poem describes, I spent my summer with five-year-old children who got to ride a merry-go-round for the first time this summer. I worked as a volunteer for Headstart at Alexander Hogg Elementary School. Headstart lasted from June 16 to August 8. At Alexander Hogg, there were fifty-six children, five teachers, five aides, and volunteers.

In my particular class there were nine children; one Anglo, Edward; two Mexican-Americans, Delia and Annabelle; and six Negroes, Dewayne, Jerome, Lisa, Alice, Pamela and Jeanette. Headstart is supposed to help underprivileged children catch up with the experiences of better-off children. They were told stories. Some of the children had never heard "The Gingerbread Boy" or "Cinderella." They were exposed to many facets of school, such as coloring, cutting, pasting, staying in line, using public restrooms, and being with teachers and children.

Neither Delia nor Annabelle spoke English at the beginning, although they understood it. At the end they preferred English to Spanish. Many of the children who spoke English could not carry on a conversation or answer questions, simply because they did not know how. In most instances, you could not ask a child, "What is your name?" and get a response. They had to be told to say, "My name is——" followed by the complete name. Many of them had no idea of their last name.

The children were given milk and doughnuts in the morning and a hot lunch at noon. Annabelle did not eat much except milk, mashed potatoes, and ice cream. When the dentist came, we found out why. Her teeth were so rotten that she could not chew anything, but subsisted on things she could suck.

The children also had a medical checkup, and a nurse came once a week. Lisa had a droopy eyelid that did not open completely. We mentioned it to the nurse, who arranged for an operation at St. Joseph's Hospital. Her problem could only be corrected if caught before the age of seven. It is probable that if Lisa had not gone to Headstart, her problem would have gone unnoticed and untreated because her family could not have afforded it. Federal funds paid for Annabelle's dental appointments and Lisa's operation.

If I looked out the window, I could see the Continental National Bank Building twelve blocks away, yet some of these children had never been downtown. They went on field trips to Six Flags, Leonard's, Vandervoort's Dairy, the zoo, Heritage Hall, and the Coca-Cola Bottling Company.

At Six Flags the children rode two rides and saw the animals. The Leonard's trip included a bus tour of downtown Fort Worth and a ride on the subway and escalators. They saw a lady decorate a cake and were given a cookie in the bakery department. In the pet shop they saw fish, hamsters, lizards, turtles, gerbils, and were completely captivated by a monkey.

At Vandervoort's Dairy, the children saw milk being processed and put into cartons. The ice cream they received was quickly eaten. One little girl, Mildred an Anglo (the one I felt sorriest for) could not go into the storage room because she had no shoes and the floor would burn her feet. The Headstart teachers tried to get shoes for her through proper channels and contacted six welfare agencies. At the end of Headstart, Mildred possessed six pairs of shoes—all different.

We went to the zoo the same day we went to the dairy. The children went through the Herpetarium and saw the other animals. As a sort of special treat, they saw the baby tiger in the incubator, and the preparation of the animals' lunches.

All these field trips had been planned for all Headstart children in every school and the transportation had been school busses. Our school decided to go to Heritage Hall and we went in cars. The children fully enjoyed this trip except Dewayne, who declared the minute he got inside Heritage Hall that he was not going through. The Indians might get him! After a while one of the workers, a Negro man, talked him into going. And he had more fun than any of the others. Our guide was an Indian girl, which added to the excitement.

Like Heritage Hall, our trip to Coca-Cola Bottling Company was taken just by our school. This trip was probably the most enjoyed one because the guide talked on their level. The machines were very noisy and Lisa found them scary, but the other children found the conveyor belt fascinating.

On almost all trips the children received a souvenir to make the memory lasting.

Besides these trips, each child went on an

individual trip with an adult. Most of them went to the park and rode the rides. They also got to eat out on these trips. Two boys went to Carswell Air Force Base, and after they came back, the Air Force had two new volunteers. One lady took a child swimming in her pool. This one-to-one trip was very important in the growth of the child. We tried to have men take some children because out of the nine children in my class, only three had fathers living at home.

The children grew this summer in many ways. I was glad that I got to be a part of this growth and said that they did not have these experiences before they were five. These children got on a merry-go-round for the first time this summer. They will need our help to get off the merry-go-round called poverty.

NATIONAL BUSINESS WOMEN'S WEEK

Mr. HRUSKA. Mr. President, this week we celebrate National Business Women's Week. A national salute is given to the thousands of business and professional women who participate so actively in American commerce and who add new dimension to the fields of law, medicine, social sciences, and the humanities. Often in the forefront of civil service and responsibility, business and professional women of America endeavor to stay informed on the problems of the day, and contribute their talents toward finding solutions.

The National Federation of Business and Professional Women's Clubs is one gathering point for the women of whom I speak. This fine organization has 180,000 members in more than 3,800 clubs across the Nation. I am pleased to salute the National Federation of Business and Professional Women for its contribution.

Mr. President, it is particularly appropriate during National Business and Professional Women's Week, to pay special tribute to a Nebraskan whose singular qualities are in the best tradition of leadership and service exemplified by the Federation. Mrs. Haven Smith, of Chappell, Nebr., has recently been appointed by President Nixon as Chairman of the President's Task Force on Rural Development. The Task Force was created to review the effectiveness of present rural assistance programs, and to make recommendations as to what might be done in the private and public sectors to stimulate rural development. I ask unanimous consent to have printed in the RECORD several articles and an editorial on the appointment of Mrs. Smith, published in Nebraska newspapers.

Mrs. Smith, who presently serves as national chairman of the American Farm Bureau Women, and as the only woman on the board of directors of the American Farm Bureau, has received awards from the University of Nebraska, the National Daughters of the American Revolution, and is an honorary international member of Beta Sigma Psi. Mrs. Smith was selected by the French Government this year as one of six women to make a good will tour of France. In 1968 and 1969, Mrs. Smith made a similar good will tour of eight South American countries. Mrs. Haven Smith represents the kind of talent and energy seen in American business and professional women, and I am proud to join in saluting her.

There is another outstanding professional Nebraskan woman whom I must mention today: Miss Sarah Jane Cunningham, a lawyer of McCook, Nebr., who merits the thanks and best wishes of all of us for her service to the community and the State of Nebraska. Miss Cunningham is the immediate past president of the National Federation of Business and Professional Women.

Mr. President, it is a privilege to salute these two outstanding Nebraska women and to extend congratulations to all business and professional women across the Nation. I wish them continued success.

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

[From the Lincoln (Nebr.) Journal, Sept. 29, 1969]

MRS. HAVEN SMITH HEADS RURAL UNIT—TASK FORCE GOAL: STIMULATION OF GROWTH IN U.S. FARM AREAS

WASHINGTON.—Sen. Carl T. Curtis said Monday he was informed by the White House that Mrs. Haven Smith of Chappell, Neb., has been selected to be chairman of the President's task force on rural development.

Mrs. Smith has long been a leader among farm women of the nation.

The White House announcement said the purpose of the task force is to review the effectiveness of the present rural assistance programs and make recommendations as to what might be done in the private and public sectors to stimulate rural development.

"I am very delighted that Nebraska is represented on this task force," Sen. Curtis said.

"Mrs. Smith is very articulate. She's traveled a great deal. I feel that she can speak for all phases of rural life."

He said the preliminary announcement from the White House indicates that the task force will not deal with the mechanics of farm programs but overall development of rural areas.

Sen. Curtis said this task force "may well be a prelude to launching a rural affairs council which I have proposed, or something similar under a different title."

In June, Curtis presented a memorandum to President Nixon privately in which he urged, such a council to "give rural America a voice in the high councils of the office of the president."

[From the Lincoln (Nebr.) Journal, Sept. 29, 1969]

QUALIFICATIONS OF NEW RURAL UNIT LEADER TOLD

Mrs. Haven Smith of Chappell has been active in local, state and national farm women's groups for nearly two decades and has previously served in advisory capacities in government.

In 1955 she was named by Secretary of Agriculture Ezra Taft Benson to a 15-member advisory committee to the U.S. Department of Agriculture to review the government's current research program into home economics.

In 1956 she acted as consultant to the Women's Affairs Division of the Department of Labor, which sought to advance the status of women and their contributions to the national economy.

Mrs. Smith was appointed to the National Commission of Community Health Services in 1963. She served on the National Livestock and Meat Board and as director of the Agriculture-Hall of Fame. She was appointed national vice chairman of the 4-H Club Builders' Council in 1951.

Wife of a Duell County wheat farmer, Mrs. Smith has been an active leader in Farm Bureau. She was a member of the board of directors of Nebraska Farm Bureau and of American Farm Bureau Federation. She served as state president and chairman of Associated Women of the Nebraska Farm Bureau Federation before being elected regional director and then national * * * committee of the Farm Bureau.

She was elected deputy president of Associated Country Women of the World and in 1953 was selected as one of three American women to visit Switzerland, representing United States club women in an exchange of Swiss-American friendship.

Mrs. Smith has received numerous awards for her civic and community service. The University of Nebraska presented her with a Distinguished Service award in 1956. Four years later, she was given another Distinguished Service award for her service to agriculture and education by the Land Grant Colleges. In 1967 the Freedom Foundation at Valley Forge selected her as having made one of the best speeches on freedom in America in 1966.

Mrs. Smith is a University of Nebraska graduate.

[From the Omaha, Nebr., World-Herald, Sept. 29, 1969]

MRS. SMITH WILL DIRECT FARM STUDY

WASHINGTON.—Sen. Carl T. Curtis said Monday he was informed by the White House that Mrs. Haven Smith of Chappell, Neb., has been selected to be chairman of the President's task force on rural development.

Mrs. Smith has long been a leader among farm women.

The White House announcement said the task force will review present rural assistance programs and recommend what might be done to stimulate rural development.

"I am very delighted that Nebraska is represented on this task force," Sen. Curtis said. "Mrs. Smith is very articulate. She's traveled a great deal. I feel that she can speak for all phases of rural life." He said the White House announcement indicates that the task force will not deal with the mechanics of farm programs but over all rural development.

Sen. Curtis said this task force "may well be a prelude to launching a rural affairs council which I have proposed, or something similar under a different title."

In June Curtis presented a memorandum to President Nixon privately in which he urged such a council to "give rural America a voice in the high councils of the office of the president."

[From the Lincoln (Nebr.) Evening Journal, Oct. 4, 1969]

RURAL AFFAIRS COUNCIL

President Nixon's appointment of a task force on rural development, along with his reported interest in a permanent Rural Affairs Council, could herald a brighter day for rural and small town America.

The emphasis here is on the word "could."

The task force, and the Council which would be its natural outgrowth, could do an immense amount of good—if:

If the leadership of the task force is forceful and far-sighted enough to shake up some national attitudes and institute some dramatic programs.

If the administration—and the members of the task force, for that matter—really take their mission seriously.

If the country at large is prepared to take the necessary steps to keep this essential segment of the nation economically healthy and to use the potential strengths of rural America to ease the evident burdens of urban America.

The idea of a Rural Affairs Council has been broached to the President by Nebraska Sen. Carl Curtis and has been favorably received, according to the senator.

Curtis' idea is that this body would be a

counterpart to the Urban Affairs Council which operates out of the White House, with the imaginative and effective Daniel Moynihan as its head, and which is charged with spawning new programs and concepts to deal with the peculiar problems of the cities and their people.

Curtis lists as the goals of a Rural Affairs Council: increase farm income, better the image of the farmer, bring jobs to rural America, make rural areas more appealing and foster a better understanding and relationship between rural and urban people.

It can be hoped that something of this nature might spring from the task force on rural development named by the President a few days ago.

It is a distinct honor for Nebraska and for Mrs. Haven Smith of Ogallala that she has been picked by Mr. Nixon as chairman of the task force.

But the position will be far more than an honorary one, if it is to accomplish its purpose. And it will require a willingness to enlist all sources of research and suggestion, to welcome fresh and innovative ideas and not to be hidebound to any preconceived concepts or philosophies.

Nebraskans and rural Americans generally should wish Mrs. Smith well in her endeavors.

In both the Rural Affairs Council and the task force, consideration of government farm policy is to be taboo. Perhaps that is just as well, although it is a little hard to see how the overpowering problem of the rural economy, low farm prices, can be attacked without getting into price support and production control programs. But it is easy to see, too, how the whole effort could bog down on the controversies of this issue.

Aside from that limitation, however, the task force should not shrink from any possible avenue of developing rural America, no matter how radical or controversial it might seem.

If it is simply to recite the same old shibboleths of traditional rural thinking, it will not fulfill its assignment; and it will not warrant transformation into a full-fledged Rural Affairs Council.

CHIMEL AGAINST CALIFORNIA

Mr. McCLELLAN. Mr. President, I have been concerned for some time that the U.S. Supreme Court has, through its decisions in the criminal justice area, been seriously weakening the Government's effort to combat the growing menace of crime in the United States. On several occasions I have spoken on the floor of the Senate on this subject. The statistics that are available dramatically portray the source of my concern.

Since 1960, the Supreme Court has reviewed 112 Federal criminal cases and 144 State criminal cases in which it has handed down written opinions. The Supreme Court has chosen to reverse 60 percent of the Federal convictions it has considered, and 80 percent of the State convictions it has considered. In addition, it has granted 85 percent of the habeas corpus petitions presented to it in which it chose to hand down written decisions.

It has been suggested in some quarters that the Court has merely been enforcing the law and that, if blame is to be assigned, it should be assigned to the police for bringing about these reversals. What this position ignores is that the Supreme Court has not only been enforcing the law, but it has been making it, too. Indeed, since 1960, in the criminal justice area alone, the Supreme Court has specifically overruled or rejected the reasoning of 25 of its own precedents—often by the narrowest of 5-to-4 margins. Seventeen of these decisions involved a change in constitutional doctrine—without the intervention of a constitutional convention. Seven of these decisions represented a new interpretation of statutory language—without intervening congressional action. Only one of these decisions may be classified as modifying the common law, an area in which the Court traditionally has had freer rein in developing the law.

It has also been contended by some that these reversal decisions are having no adverse impact on law enforcement and on the rising incidence of crime. This contention is not supported by the facts. Indeed, since 1960, while our population has increased 11 percent, serious crime has overall increased 122 percent. Robbery alone has increased 142 percent; burglary, 104 percent. Operating under the new standards and requirements imposed by recent Supreme Court decisions, moreover, police clearance—solving—of serious crimes has experienced a steady, across-the-board decline. For example: The clearance for robbery has dropped 25.9 percent, and the clearance for burglary 38.8 percent. Verdicts of not guilty in robbery cases have increased 23 percent and in burglary cases 53 percent.

Mr. President, most recently, it has come to my attention that local law enforcement is now beginning to feel the ill effects of the recent Supreme Court decision of *Chimel* v. *California*—395 U.S. 752 (1969)—which, in line with the Court's recent tradition of handing down decisions seriously weakening law enforcement's ability to combat crime, further hamstrings law enforcement by greatly curtailing the right of police officers to make searches of premises incident to a lawful arrest. In brief, what the Court did in Chimel was overrule its previous decisions—*United States* v. *Rabinowitz*, 339 U.S. 56 (1950); *Harris* v. *United States*, 331 U.S. 145 (1947)—holding that law enforcement authorities could search the place where an arrest is made in order to find and seize things connected with the crime and held that a search incident to arrest is limited to the immediate area for weapons or easily disposable evidence. In Chimel the police, having probable cause to arrest the defendant for the burglary of a coin shop, based on admissions the defendant made to a neighbor, arrested the defendant in his house, and in a search of the house incident to the arrest, uncovered numerous items—primarily coins—but also several medals, tokens, and a few other items. The entire search took between 45 minutes and 1 hour, and it was on the basis of the items uncovered in the search that the defendant was convicted of burglary. The California Supreme Court sustained the search as constitutionally reasonable, basing its decision on the Supreme Court precedents, including Rabinowitz and Harris. The Supreme Court, however, set aside the search as unreasonable and reversed the conviction.

Justice White, joined by Justice Black in a dissent in Chimel, states that the majority rule "proscribes searches for which there is probable cause and which may prove fruitless unless carried out immediately," 395 U.S. at 781. He says:

> The rule will have no added effect whatsoever in protecting the rights of the criminal accused at trial against introduction of evidence seized without probable cause, since such evidence could not be introduced under the old rule. *Id.*

Justice White continues as follows:

> Nor does the majority today give any added protection to the right of privacy of those whose houses there is probable cause to search. A warrant would still be sworn out for those houses, and the privacy of their owners invaded. The only possible justification for the majority's rule is that in some instances arresting officers may search when they have no probable cause to do so and that such unlawful searches might be prevented if the officers first sought a warrant from a magistrate. Against the possible protection of privacy in that class of cases, in which the privacy of the house has already been invaded by entry to make the arrest—an entry for which the majority does not assert that any warrant is necessary—must be weighed the risk of destruction of evidence for which there is probable cause to search, as a result of delays in obtaining a search warrant. Without more basis for radical change than the Court's opinion reveals, I would not upset the decisions of this Court. (395 U.S. at 781–82)

Justice Harlan, in a reluctant concurring opinion, states as follows:

> The only thing that has given me pause in voting to overrule *Harris* and *Rabinowitz* is that as a result of *Mapp* v. *Ohio*, 367 U.S. 643 (1961), and *Ker* v. *California*, 374 U.S. 23 (1963), every change in Fourth Amendment law must now be obeyed by state officials facing widely different problems of local law enforcement. We simply do not know the extent to which cities and towns across the Nation are prepared to administer the greatly expanded warrant system which will be required by today's decision; nor can we say with assurance that in each and every local situation, the warrant requirement plays an essential role in the protection of those fundamental liberties protected against state infringement by the Fourteenth Amendment. (395 U.S. at 769)

Justice Harlan's statement was a portent of the devastating effect the Chimel decision was to have on the forces of local law enforcement. Indeed, the State has submitted to the Supreme Court a petition for rehearing in which it has been joined by 36 State and territorial attorneys general.

I am in receipt of a copy of a motion to file as amicus curiae and brief of the attorney general of Colorado and the Denver, Colo., Police Department, as amicus curiae, in support of California's petition for rehearing. The brief presents to the Supreme Court two factual examples of the devastating effect of Chimel on local police work.

These two examples graphically show how our law-enforcement officers are increasingly being restricted by court-imposed special rules of criminal procedure. They give flesh and bones to the antiseptic statistics I noted above. As the brief states:

> [T]wo murder cases are described in which the application of the *Chimel* rule to the facts of each case has created a Constitutional straitjacket for the police with regard to the recovery of the murder weapons. In each case, the *Chimel* limitation on arrest-

based searches granted to the associates of the defendant a 'zone of immunity' in which the murder weapons could be removed; as a result, subsequent warrant-based searches for the weapons were fruitless.

With 36 territorial and State attorneys general joining in the petition for rehearing, I am sure that there are numerous examples from other jurisdictions which point out the crippling effect that the Chimel decision is having on local law enforcement.

Mr. President, this kind of justice—this deterioration in the protection of society—is justifiably causing American people everywhere to become disillusioned and disturbed. They want this trend in lawlessness and the handcuffing of the police to stop—and rightly so. All around us the forces of crime and subversion are rapidly advancing. We must use all the constitutional power and legal weapons that can be made available to stem the tide of lawlessness. We must stop excusing crime and the invoking of strained and unwarranted technicalities to shield criminals and release them on society.

Mr. President, I ask unanimous consent to have inserted immediately following my remarks the description of the two Colorado murder cases contained in pages 5 to 16 of the petition for rehearing.

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

[In the Supreme Court of the United States, October term 1968, Chimel v. California—No. 770]

PETITION FOR REHEARING MOTION FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE

CASE NO. 1—HOMICIDE, DENVER, COLO.[1-3]

On July 7, 1969 the victim, a bartender, was shot to death in the parking lot of his tavern by two youths whom he had chased off earlier for prowling cars. The murder weapon was a .22 caliber automatic pistol.

Witnesses described the killers and their car; several days later, detectives learned that uniformed officers had stopped a similar car on the night of the shooting and had taken the names and addresses of A and B, the occupants of the car. Photographs of A and B, together with photographs of others,[4] were shown to the witnesses who tentatively identified A and B as the killers. This investigation was completed on July 12 and on that date a pick-up for homicide was placed on A and B.

On the afternoon of July 12, Officers Haze and Mayes made inquiries at the address that had been given by B. They learned that this was his girl friend's house, and that B had not been seen in the neighborhood for about a week. The officers then went to A's home and were told by A's mother that he was not home; when apprised of the seriousness of the offense, however, A's mother produced him and he was arrested at 6:00 p.m.

A told the officers that B was staying at his mother's house and A agreed to take the officers to this house. Homicide Detectives Mullins and McCormick responded to B's mother's house at about 6:20 p.m. B's mother told the officers that B was not there, but Detective McCormick who had gone to the side of the house arrested B in the side doorway as B was attempting to escape. A search of B's person was made revealing no weapons. Because of the Chimel rule, no search was made of the room occupied by B, or of any part of his mother's house, for the murder weapon or other evidence. B's mother, his younger brother and several other people were in the house at the time. Consent to search the house was asked for and refused. B was taken to Denver Police Headquarters where he was advised of his rights and denied any involvement with the killing.

Detective Mullins called the Denver Police Department Attorney (Legal Coordinator) who responded to Headquarters at about 7:00 p.m. to draft search warrants for the murder weapon and clothes worn by the killers on the night of the shooting.[5] The Legal Coordinator advised that A and B should be placed in line-ups so that a positive identification of the suspects could be made by witnesses to support the search warrants.[6] Line-ups were held with counsel present for the suspects.[7] A was not identified and was released. B was positively identified by at least three witnesses as one of the assailants; however, by the time the line-ups were concluded, night had fallen and the Colorado Rules of Criminal Procedure barred the execution of a search warrant at night.[8]

The next morning, Detectives McCormick, Martin, Burkhard and Legal Coordinator Carrington procured search warrants for the houses of B's mother and his girl friend, seeking a .22 caliber automatic pistol, ammunition and the clothes worn by the killers. No evidence was found at the girl friend's house.

When the warrant was executed at B's mother's house, the mother, B's brother and a neighbor lady were present. The warrant was shown to B's mother who made searching inquiries of the officers as to whether they were sure that the murder weapon was an automatic. Upon being convinced that only an automatic was being sought, B's mother nodded to the neighbor lady who left and returned with a .22 caliber *revolver* wrapped in a "T" shirt. The neighbor stated that B's mother had given her the revolver the night before for "safe-keeping." The revolver was routinely checked but was not the murder weapon. No other weapon was found.

The police in this case simply do not know whether the murder weapon was at B's mother's house when B was arrested. A search of B's room and other areas of the house under his control[9] for the murder weapon would have been permissible prior to *Chimel* as incident to B's arrest. Such a search might have turned up the murder weapon, or it might not; however, the officers, in obedience to *Chimel's* mandate, made no search. One thing is certain; if, in fact, the weapon was in the house, B's mother and brother had all night to search for and dispose of it. B's mother, understandably, wanted to protect B, as shown by her lying to the police in stating that he was not there when they came to arrest him, and by her giving the revolver to the neighbor. It was only when she was sure that an automatic was being sought that she had the neighbor produce the revolver. The police will probably never know whether the weapon was in the house when B was arrested; but, given B's mother's disposition to dispose of evidence they *can* be sure that, if it was there, it was removed before the warrant-based search was made.

CASE NO. 2—HOMICIDE, DENVER, COLO.

X, Y, and X's girl friend Z, along with several others, "crashed" a party at a private home in the early morning of August 17, 1969. They were told to leave and in leaving they exchanged words with other guests at the party. X, Y, and Z went to X's car nearby and got a rifle out of the trunk. A group of the party guests were standing outside of the house and a shot was fired at X's car, whereupon someone in X's car fired 8 shots into the crowd killing the victim.

Detectives McCormick and Isenhart were assigned to investigate and on the morning of August 17th questioned witnesses who identified photographs of Y as being in the group who crashed the party. At 11:00 a.m. on the 17th, Y was arrested at his home by officers Duyker and Davin. Y told the officers that X had done the shooting and that X and Y had taken the rifle into X's house. Y further told the officers that Z, X's girlfriend, another suspect in the shooting, was living with X.

Y agreed to take the officers to X's house. As the officers, Davin, Duyker, and Secrist, approached, X apparently tried to escape by running out of the back door but he was arrested as he ran around the house. Officers entered the house and arrested Z inside of the house. A search of Z's immediate area revealed no weapons. No further search was made.

Approximately ten persons were in the house at the time, including X's brother, who became abusive and ordered the officers out of the house. The officers left and called the detectives who procured a search warrant to search the house for the rifle. It took approximately an hour and a half to draft the warrant and find a judge to sign it. During this period, the officers remained outside of the house; but they did not stop or search any persons leaving the house. When the house was searched pursuant to the warrant, the rifle was gone.

The defendant, X, told the police that when he was arrested, the rifle was in the house. The conclusion is inescapable; while the police waited for the search warrant, one of X's friends removed the murder weapon. A pre-*Chimel* search for the weapon incident to Z's arrest in the house would doubtless have located the weapon; but the officers knowing that the *Chimel* rule would make the weapon inadmissible, were forced to take no action to secure this vital evidence until it was too late.[10]

These two cases are not unique to Denver, nor is the problem confined to homicides; in many minor crimes the impact of the *Chimel* rule has also been felt.[11] The two described cases illustrate that, despite the gravity of the offense and the really excellent police work involved in each case, *Chimel* can frustrate the best efforts of the officers.

Analysis of these two strikingly similar cases leads to the following conclusions:

1. Unlike the situation in the *Chimel* case itself, there was clearly no time to get a search warrant before the arrests. In each case, the police had just learned where persons sought for wanton killings were staying. Arrests of co-suspects had just been made in the presence of witnesses; and the police had no way of knowing that the word of the first arrest would not be immediately relayed to the second suspects, enabling them to flee. (As a matter of fact, two of the second suspects, e.g. "B" and "X", did attempt flight when the police approached.)

Further, it *must* be realized that delay in the arrest of a potentially armed and dangerous murderer is not a luxury that either society or the police can afford. There is an overriding duty to the public to take such suspects into custody *and to seize their weapons* before they can kill again; for the police to delay arrest in cases like these would be a serious dereliction of duty, especially as it may often take many hours[12] to procure a valid search warrant. Concededly, neither of these cases involved "hot pursuit" as envisioned in *Warden v. Hayden*, 387 U.S. 294, 87 Sup.; Ct. 1642 (1967);[13] but it is obvious from the facts that speed in making the arrests was essential.

2. Once the officers entered the houses to arrest the suspects, they were committed. In both cases, friends and/or family of the arrestees were present when the arrests were made, and the probability that an attempt would be made to get rid of the murder weapon was great. Probable cause to search for the murder weapon existed in both cases;[14] but, *Chimel* prohibited a warrantless search on pain of having any weapons that were found being held to be inadmissible.

Footnotes at end of article.

A consent to search was refused in each case.

3. A search warrant, then, must be procured. What alternatives are open to the police, while the warrant is being procured, to ensure that evidence will not be removed?

A. May the police remain on the premises, prevent the persons there from leaving, and follow them from room to room?

The *Chimel* majority decision certainly gives the police no authority for so doing, and Justice White, in his dissenting opinion, points out that such a course of conduct on the part of the officers would constitute an invasion which "would be almost as great as that accompanying an unlawful search." (37 USLW 4613 at 4620 footnote 5.)

Detaining persons, inside the house, for whom there is no probable cause to arrest could easily result in a civil suit against the officers for false arrest or false imprisonment; and the authority of officers to remain on the premises against the will of an owner or co-occupant is questionable at best. Thus, in addition to risking possible civil liability, the officers might find a court excluding even the evidence seized *pursuant to a search warrant* because the officers exceeded their authority by remaining on the premises while the search warrant was being procured.

B. May the officers leave the house itself but position themselves just outside the house; and, until the search warrant arrives, search persons leaving the house for the murder weapons or other evidence?

Again, there is no authority in the *Chimel* opinion for such a search, and, in the absence of probable cause to arrest a person, such a search would almost certainly be held illegal. Even a "frisk" for weapons, on less than probable cause to arrest, under the doctrine of *Terry v. Ohio*, 392 U.S. 1 (1968) would be doubtful, since that case is expressly tied to the necessity of the protection of the officer rather than a search for evidence. Again, the risk of a civil suit in battery or assault against an officer making such a search is apparent; as a matter of fact, a person searched by an officer as he was leaving the suspect house might even claim that an assault on the officer was justified as validly resisting an unlawful search.

C. The police, then, as a final alternative, may leave the premises, search no one leaving the premises, and wait for the search warrant to be procured. This is exactly what was done in the two cases described. In one of the cases, it is *known* that the murder weapon was removed by friends of the defendants while the police waited for the warrant. In the other case, it is known that the defendant's mother removed *at least* one weapon from the house in the overnight period that it took to secure a valid search warrant; whether the murder weapon itself was removed will probably never be known.

The two described cases illustrate vividly one further point, and this is that any reviewer of police actions is scaling the heights of naivete if he doubts that a suspect's relatives or cohorts will not attempt to get rid of evidence against him, given the opportunity. In both cases, the first impulse of those not arrested was to remove the evidence against the parties who were arrested. Among many of those with whom the police deal on a day to day basis, it is not even necessary for the person secreting the evidence to be close to the suspect; frustration of any police purpose is considered an end in itself.

The Fourth Amendment should not be used to create a zone of immunity for those who wish to accommodate a friend or relative by disposing of evidence against him; yet, this is precisely the result that *Chimel* has brought about in the described cases. The problem for the police, as illustrated by these cases, is that the language of the *Chimel* opinion is so broad in proscribing warrantless searches that the police literally do not know what the new limits on their conduct are. As a result, they must use the "safest" procedure available to them, the warrant procedure, *even though the delay involved may render the securing of a warrant a futile gesture.* Justice Stewart writing for the *Chimel* majority speaks of "well recognized exceptions" to the warrant requirement but he does not elaborate on the exceptions.[15] *Chimel* provides no guidelines whatever for the police as to when a warrantless search of premises, beyond the arrestee's "immediate area," may be permitted; and the decision thereby opens the widest possible door for judicial "second-guessing" of an officer's split-second decision on the scene. In the described cases, for instance, a warrantless search and recovery of the murder weapons might well have been justified as being made under "exigent circumstances"[16] but, with no guidelines in the opinion to go by, a trial or appellate court could as easily find that no emergency existed and that the searches violated the *Chimel* rule.

In each of the cases described, the remaining evidence against the suspects consists of just that type of evidence which this Court has condemned as unreliable: confessions[17] and lineup identification.[18] Respondent's Petition for Rehearing, p. 7, points up the irony of *Chimel* excluding physical evidence of highly probative value in view of the Court's pronouncements on the other types of evidence. The described cases bear the irony out with force; in a murder case, the murder weapon is a vital item of physical evidence; yet, here, the police were foreclosed from securing such evidence. The purpose of this brief is to support Respondent's cogent legal arguments for rehearing with practical examples of cases of major importance in which *Chimel*, as written,[19] has stymied effective police action despite the officer's best efforts to act within the law. The inability of the police to recover, lawfully, the weapons used in two murder cases is indicative of the impact of *Chimel* on local law enforcement. The two cases in Denver, which have arisen in the few months since *Chimel*, may be multiplied a thousand fold throughout the country; consider, for instance, the impact of *Chimel* on rural police departments where the number of persons authorized to issue search warrants is limited. We most respectfully urge the Court to grant Respondent's Petition for Rehearing in the case of *Chimel v. California* so that an opportunity might be presented for spokesmen for law enforcement, on every level, to make known to the Court the impact of this decision on our function of protecting the safety of the people of this country. Further, as a result of such rehearing the Court would have an opportunity to consider the establishment of the guidelines in this area which the police so desperately need.[20]

FOOTNOTES

[1-3] Both cases described have been filed by the Denver District Attorney but neither case has come to trial. For this reason, the names of defendants are not published.

[4] Per Simmons v. United States, 390 U.S. 377, 88 Sup. Ct. 967, (1968).

[5] The possibility of watching the house while procuring a warrant was considered; but, even if such a watch was set up, there would be no authority to search persons entering or leaving the house.

[6] This decision was based on the tightening of search warrant requirements enunciated by the Supreme Court in Spinelli v. United States, 393 U.S. 410, 89 Sup. Ct. 584, (1969).

[7] Per: Gilbert v. California, 388 U.S. 263, 87 Sup. Ct. 1951, (1967) and United States v. Wade, 388 U.S. 218, 87 Sup. Ct. 1926, (1967).

[8] Colorado Rules of Criminal Procedure, Rule 41 requires that for a search warrant to be served at night the affiant must be "POSITIVE" that the property sought is on the premises to be searched. The officers in this case were reasonably sure, but could not be "positive," that the weapon and evidence sought was at B's mother's house.

[9] Harris v. United States, 331 U.S. 145, 67 Sup. Ct. 1098 (1947); United States v. Rabinowitz, 339 U.S. 56, 70 Sup. Ct. 430 (1950); both overruled by Chimel v. California, 37 U.S.L.W. 4613 (1969).

[10] Participating officers were asked why they did not keep the persons in the house or search them when they left. They each answered that they felt that they had no legal authority to do either, and they feared civil suits for false arrest or "civil rights violations".

[11] For example, half an hour after the theft occurred, an officer entered a house to arrest defendant for the theft of some liquor. Defendant and his parents were sitting in the kitchen. After defendant's arrest, the officer found the liquor in the refrigerator. The officer had to be told that his search was illegal under the Chimel rule, despite the likelihood that the parents would dispose of the liquor.

[12] Consider, for instance, the unavailability of an issuing magistrate. In rural areas this can create a real problem. Aspen, Colorado presents an example of this; there is only one judge authorized to issue warrants in Aspen. If this judge is unavailable or out of town, Glenwood Springs, 45 miles away, contains the nearest issuing officer. In the winter, in this mountainous area, snow covered roads might necessitate a 3 or 4 hour round trip to procure a search warrant, and sometimes the roads are impassable.

[13] Where the police entered the suspect's house "within minutes" of the crime.

[14] This is evidenced by the fact that judges issued search warrants for the houses in question in both cases.

[15] 37 U.S.L.W. 4613 at 4617. In the Chimel opinion Justice Stewart footnotes his reference to exceptions to search warrants requirements. The footnote (37 U.S.L.W. 4613 f.8) simply says, "See Katz v. United States, 389 U.S. 347, 357-358." A reading of the pages referred to in Katz (prohibiting warrantless eavesdropping) seems to point to another footnote. Justice Stewart who also wrote Katz postulates the warrant requirement in that decision—"subject only to a few specifically established and well-delineated exceptions." 389 U.S. 347 at 357. This sentence is footnoted (389 U.S. 347 f.19) to say, "See e.g. Carroll v. United States, 267 U.S. 132 . . . McDonald v. United States, 335 U.S. 451 . . . Brinegar v. United States, 338 U.S. 160 . . . Cooper v. California, 386 U.S. 58; Warden v. Hayden, 387 U.S. 294 . . ."

Of these "exceptions" Carroll, Brinegar, and Cooper deal with searches of automobiles, Warden v. Hayden deals with "hot pursuit", and McDonald deals with exigent circumstances. When, as here, the Court condemns, with one stroke, a basic police procedure that had been sanctioned by the Court for 19 years, a series of footnotes can hardly be considered "guidelines" for the policeman on the street, or for those attempting to advise him.

[16] cf, McDonald v. United States, 335 U.S. 451, N. 15 supra.

[17] Miranda v. Arizona, 384 U.S. 436, 86 Sup. St. 1602, (1966); Escobedo v. Illinois, 378 U.S. 478, 84 Sup. Ct. 1758 (1964).

[18] Gilbert v. California, U.S. v. Wade, Supra n. 7.

[19] It is no part of the argument of this brief that Mr. Justice Stewart, who wrote the majority opinion, would knowingly inhibit valid, constitutional, police procedures. The thrust of this brief is that Chimel has created problems not readily foreseen, even by Justice Stewart, and that rehearing should be granted to give the Court an opportunity to consider the practical problems its decision has created.

One Chimel-related problem is of most extreme concern to the police. How does Chimel affect a full-scale riot situation where an en-

tire police force is tied up on the streets and there is clearly no time to get search warrants? Suppose officers enter an apartment after observing sniper fire from the window of that apartment; and they arrest the sniper, with his rifle, in the doorway. A large cache of weapons is found in the bedroom of the apartment, concealed in a closet. Will these weapons be inadmissible? Seemingly, the search for the weapons would be justified as "hot pursuit" under Warden v. Hayden, 387 U.S. 294 (1967), yet the language in Chimel, forbidding warrantless searches, is so broad that a Court so inclined could easily justify suppression of the weapons as a Chimel violation.

[20] For example, the Denver Police Department Order concerning Chimel (appendix A) was an attempt to guide the officers. The order speaks of "securing the premises" (in paragraph 3–A); yet, the cases described herein, which arose after the order was issued, illustrates the practical impossibility of "securing" premises when others are present.

UNILATERAL CEASE-FIRE IN VIETNAM

Mr. GOLDWATER. Mr. President, my remarks today are occasioned by disturbing reports in the newspapers which seem to indicate that Senate Republicans may have taken a position in favor of a unilateral cease-fire in Vietnam. I am sure all Senators realize that this suggestion was made by our minority leader, the distinguished Senator from Pennsylvania (Mr. SCOTT), and that it gave expression to his own personal feelings.

However, every story I have seen and every mention that I have heard on television and radio concerning this recommendation identified Senator SCOTT as the Republican leader of the Senate. It is my fear that the uninitiated and the casual reader and listener may come quite understandably to the erroneous conclusion that Senator SCOTT was speaking on behalf of the Republican Members of the Senate. I, for one, wish to make it very plain that while I recognize that the Senator from Pennsylvania has been duly selected as minority leader of my party, I do not accept his personal recommendations on any and all subjects. At this time I wish to disassociate myself firmly and completely from the minority leader's recommendation that the United States move unilaterally to bring about a cease-fire in Vietnam.

I notice in this morning's newspapers that Senator SCOTT said he is not in the habit of clearing his ideas with the White House before they are made public. I think it would be helpful if he would also state that he is not in the habit of clearing such statements with all members of his own political party in the Senate.

In his recommendation, Senator SCOTT seems to think the United States must take the initiative on the question of cease-fire in Vietnam. I should merely like to ask how many times, in how many situations, must we always stick our necks out and take the initiative in trying to reach an agreement with an unreasonable enemy. The list of times when we have unilaterally ceased our bombing and taken other measures to encourage reciprocity from the Vietcong or Hanoi is long and impressive. However, none of the actions brought the least sign or activity from our Communist adversaries aimed at deescalating the war and bringing about a peaceful solution.

It is my firm conviction that further unilateral action on our part will merely convince the Communists once again that we are afraid of them and that we are willing to go to any lengths to bring about peace. Such action will convince them all over again that if they wait long enough the United States of America will throw up its hands and surrender.

GI BILL ALLOWANCES

Mr. MONDALE. Mr. President, I was greatly disturbed to learn that President Nixon had threatened to veto the bill increasing educational allowances for 1,285,000 veterans, war orphans, and widows of the Vietnam era by 46 percent. The administration's position that a 13-percent increase is all that could be justified is very surprising.

I have received a number of letters from veterans struggling through school on the GI bill. Many have gone into debt or been forced to work long hours at part-time jobs in order to be able to buy the necessities of life. In some cases, tuition costs have risen by 46 percent or more in 1 year.

The Committee on Labor and Public Welfare carefully considered the question of what increase would be appropriate. The committee report details the sharp rise in both living and education costs since the Korean GI bill program and since the last adjustments in the present program's allowances. Although the report was not yet printed when the President wrote to the Senator from Texas (Mr. YARBOROUGH) to express his views, certainly the same data were available to his administration.

Mr. President, the committee bill would merely provide allowances sufficient to cover about 98 percent of the average tuition, board, and room costs for those now in the program. This compares with the 99 percent of costs which were covered under the Korean program. One of my constituents, noting that he and his fellow servicemen "have fought in a war we cannot understand," asked if "we are considered less worthy than our predecessors?"

I, for one, will not condone such unfair treatment. Considering the rate at which the cost of education is rising, these new allowances are very modest and may soon prove to be too low again. I cannot understand how the President can recommend such dubious investments as the supersonic transport program while finding fault with these fully justified increases in educational allowances. I note again that he was silent when the House of Representatives recently added more than $1 billion to his recommended Navy budget.

I ask unanimous consent that several of the letters I have received be printed in the RECORD.

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

COLLEGE OF ST. SCHOLASTICA,
Duluth, Minn., July 2, 1969.

DEAR SENATOR MONDALE: I am a teacher from Duluth, Minnesota and have been attending classes this summer at Cincinnati University. It was here I read of a bill being introduced which would promote and ensure more financial help for veteran G.I.'s who wish to continue college.

I have two brothers who have returned from service overseas a year ago—one was in Vietnam, the other was in Germany. They are now both in school taking advantage of the $125 monthly allowance now available but have had to borrow several hundred more to stay in school, because, as has been seen, the available amount is not enough.

I am writing to ask you to support the bill appropriating more financial aid to veterans who wish to continue their education.

Thank you for your efforts to ensure speedy action on a bill much needed by veteran G.I.'s interested in continuing school.

Sincerely yours,
SISTER YOLANDA CALLIGURE.

MINNEAPOLIS, MINN.,
August 4, 1969.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

HONORABLE SENATOR: We, of Delta Kappa Gamma, wish to express our hope that you will vote in favor of the increase of monthly payment—$130 to $175 for the education of the Viet Nam Veteran.

Prices have risen so only the wealthy can take advantage of the G.I. benefits. Tuition, fees, books, all have increased.

These veterans need their education now. Their lives were interrupted—some have spent several years in the Orient. Please see that this bill is passed. These young voters will remember your caring.

Sincerely,
RITA CAREY.

SEPTEMBER 30, 1969.

Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: Thank you for the letter you wrote, dated May 28, 1969, in response to my letter asking your support for S. 338.

In your letter, you stated that you would support legislation of interest and benefit to veterans.

As you know, the House passed H.R. 11959, which is a cut down version of S. 338. I understand that it is tied up in a Senate committee, of which you are a member. What is holding it up? If Sen. Yarborough is not satisfied with it, and plans to change it so that it will have to go back to the House, thank him, but, tell him our tuition and fees at Moorhead State College (and, I assume all other Minn. State Colleges) were increased by 48% this Fall, and we need the money now.

I certainly hope you are not the one that is holding this bill up. If not, then who is, and why? Can we expect an increase in GI Bill this year? If so, when?

Thank you.

Sincerely,
CHARLES D. APULI.

AUSTIN, MINN.,
July 14, 1969.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Thank you for your prompt attention to my previous request for information on Federal educational benefits available.

However, I now have a different problem. I have just learned of the differences between

previous "G.I. Bill" benefits and those available to us now, specifically, educational benefits. Can you tell me we are considered less worthy than our predecessors? We have fought in a war we can't understand, a war most of us do not believe in. Yet the great majority of us went to Viet Nam, accepting our government's justifications of our presence there.

Now I find there are considerable gaps between our "G.I. Bill" and that of our fathers. Are not the bullets we faced at Da Nang, Chu Lai and Ham berger Hill just as deadly as those in Tarawa, Leyte and Guadalcanal? Are those killed and injured not just as permanent as in former wars?

I realize there is not too much you can do. However, a group of us feel perhaps, if we knew who to contact, our opinions could be of some importance. I would appreciate it if you would put me in contact with whoever could be of the most help in this matter.

Respectfully,

P. O. HAMILTON.

MANKATO, MINN.,
October 18, 1969.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I would like to voice my support of the Educational Rate Increase bill, S. 338 for veterans.

This increase is necessary because at Mankato State College last year my tuition was always under $100 for 14 or 15 credits. This year it costs $141 for that same number of credits. The rising cost of living is hard enough to match without without rising educational costs.

Thank you for your efforts.

Sincerely,

DAVID JORGENSON.

JACKSON, MISS.

Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

HONORABLE MR. MONDALE: Sir, I would like to know what your opinion is on the Senate Labor and Public Welfare subcommittee for Veterans Affairs approved legislation on an increase of GI education and training allowances by 46 percent and making the increased payments retroactive to September 1, and how you will stand on this issue.

I am still serving on active duty however, my service agreement is completed 17 March 1970 and at which time I will reside in my home town of St. James, Minnesota and again attend Mankato State College.

I feel that this is a step forward, however, it is not enough to attend school and raise a family with today's cost of living increases.

Any information that you could give me would be greatly appreciated.

Thank you.

Sincerely,

RONALD W. EASTERDAY.

NINETY-NINTH BIRTHDAY ANNIVERSARY OF MARY McCONNELL BORAH

Mr. JORDAN of Idaho. Mr. President, on Friday of last week one of the truly great women of Idaho—Mary McConnell Borah, widow of U.S. Senator William E. Borah and daughter of William J. McConnell, also an Idaho Senator and later our State's third Governor—celebrated her 99th birthday anniversary.

The Idaho Daily Statesman, in commemoration of this remarkable lady's 99th year, published in its Sunday, October 19, edition a delightful interview with Mrs. Borah, written by Dabney Taylor, of Boise.

In order that Senators and the innumerable other readers of the CONGRESSIONAL RECORD might share in the historically pertinent recollections of this distinguised woman, 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:

WIDOW OF FAMOUS "LION" SENATOR MARKS BIRTHDAY IN OREGON—IDAHO'S "LITTLE BORAH" LOOKS BACK ON HER FIRST 99 YEARS

(By Dabney Taylor)

"I was cradled in politics," Mary McConnell Borah remarked, "and that cradle received me almost a century ago. You see I was born in Moscow, Idaho, Oct. 17, 1870 and that makes me 99 years old."

"Little Borah," as Washington called her, is the widow of one of the immortals of the United States Senate. 'The Lion of Idaho' filled the senate gallery with spell-bound listeners to his oratorical roars.

As she looked from the windows of her retirement apartment at the deep green grass of the Portland (Ore.) lawn, Mrs. Borah recalled that before her birth her father, W. J. McConnell, was deeply engaged in helping to bring Idaho from a territory into statehood.

"This," she said, "was accomplished when I was almost 21 years old. But don't think," she quickly interjected, "I was allowed to vote. At that time the 19th amendment, which gave the vote to women, was only a gleam in a suffragette's eye."

"Then," Mary Borah reflected, "the women in a candidate's family had quite a different role to play and the wives did not go out in the hustings with their husbands as sort of a co-candidate. I cannot quite approve of this, but then, attitudes change."

"But, don't think for a moment the women were not expected to function. For example, we cooked for, and served, endless suppers, picnics, luncheons, receptions. Candidates when they arrived in town, with or without their families, always were house guests at the homes of fellow politicians.

"We were also expected," Mrs. Borah continued, "then as now, to remember every one's name. Heaven help you if there was a moment of faltering, you could lose the vote of the entire family, including the hired man." The witty and sprightly lady laughed, she could, being gifted by the gods with almost complete recall.

"When Idaho became a state father decided to run for the United States Senate and and he and George L. Shoup were elected as Idaho's first senators. During his campaign my mother introduced me to a young lawyer from Boise, William E. Borah. He had come to help father campaign and after we met he seemed to think nothing of frequently making the long trip from Southwest Idaho to the chill north where Moscow was located, just to help father.

"Later," she said demurely, "when father returned from Washington to run for governor, Billie Borah helped elect him as Idaho's third governor.

"Because mother was very delicate, and quite timid about meeting strangers, father decided to take me to Boise to act as his hostess and part time secretary. Mother and my two sisters, Carrie and Olive, remained in Moscow to keep the store, and this is not a quip, we did own the general store in town.

"I was very much surprised and pleased," Mrs. Borah quirked an eyebrow, "to find Billie Borah was to be administrative assistant in the governor's office. You see, he was a very serious student and disliked social functions, but Boise was very gay and he did take me to a few affairs and we had lovely horseback rides in the foothills.

"One of the great lessons I learned about this time was never to say anything to reporters that I did not want to see in print. It occurred one day when some reporters came into the office and asked for news. I told them I could not stop to talk as I was very busy writing a speech for the governor. When this item appeared in the next morning's paper, father was not very pleased.

"Finally Billie urged me to make up my mind to marry him so that I could go east with him on our honeymoon where he was called on some legal cases. So," she related, "we were married on April 21, 1895 at the Cyrus Jacobs' home with Frank Blackinger as best man. My honor maid was Mamie Jacobs.

"Where did we go on our honeymoon?" an elfish chuckle punctuated the story, "we took the Cannon Ball to a small town a few miles from Boise called Caldwell . . . well, anyway we were serenaded by the town band and a few weeks later we did go east and it made up fully for my disappointment.

"When Billie was elected U.S. Senator in 1907," she continued, "shortly after we reached the capital, we were summoned to dine with President Theodore Roosevelt. As we walked down the long White House hall where an aide sat at a desk with the dinner chart before him, he handed me an envelope and announced I was to sit at the president's left. I simply uttered a gasp and put my hand over my mouth. This amused the aide.

"After we were seated there was an awful moment of silence, on my part as I wracked my brain for something to chat about. Suddenly, I was inspired to mention having visited with William Allen White, the noted journalist, at Emporia, Kansas, on our way east. Mr. Roosevelt, who was his great friend, responded eagerly and said, "I have just presented his book 'Strategems and Spoils' to the French ambassador M. Jusserand. I think it the greatest political story ever written.

"He talked away, and left me to gaze at his daughter Alice Longworth who was nonchalantly eating hot asparagus without removing her long white kid gloves and let the melted butter run merrily down her fingers. This, while I was making every effort to keep my white tulle gown, trimmed with pink rosebuds, which I thought went well with my blond hair, from having one spot. I knew I would have to wear it many more times and I did." She continued, "Later the famous Nick Longworth, Congressman from Ohio, and Alice, became our good friends and Alice and I went often to the Capitol to hear speaking in both the House and Senate. Alice was very political and would leave her own dinner party to dash to the Hill to listen to an important debate.

"I well recall the exceptional woman Lou Hoover. She graduated from the Stanford engineering school, making higher marks, incidently than her husband President Herbert Hoover, a classmate, then a lifemate. One of her remarks was a classic of understatement, 'I only want to be a background for Bertie!' The intelligent women of my day were tactful.

"A lady who was grossly underrated, and I think, most unfairly criticized, was Florence Kling Harding. She was a handsome woman from a fine Ohio family and brought much to her marriage with President Harding. She was very gracious and democratic and made contact with all classes of people in a most kindly manner," Mrs. Borah said earnestly.

"Everyone was simply crazy about Mrs. Calvin Coolidge with her lovely, big brown eyes. She was most dedicated in attending endless functions and meetings and was simply showered with invitations," she reminisced. "Grace made a famous remark, 'One church, one club, one husband and one political party.' I have lived up to her precepts and am still a dedicated Republican." Mary Borah ran her tiny hands over a long chain of ivory elephants which she wore. Her collection of some 3,000 of these pachyderms were sold at auction when she left 2101 Connecticut Avenue to live in Portland.

"Billie died on a bleak winter day in 1940,"

she fingered her worn wedding ring "He had been senator for Idaho for almost 40 years. I decided to remain in Washington, my roots had grown deep, but a few years ago I moved to Portland to be with my sister Olive Leuderman who lives in this same building with me. Her daughters, my nieces, also live here.

"I suppose people would like to know how I lived to such a majestic age and I can only say that I have never felt the urge to partake of the grain, the grape or the weed, but I eat everything set before me. Still, I may have to go on a diet, I gained a pound last month, I now weigh 69 pounds."

Then the interview was over until next year.

THE PESTICIDE PERIL—LXX

Mr. NELSON. Mr. President, international concern about the problems of persistent pesticides was raised in San Francisco last week by a group of Czechoslovakian scientists.

The seven Czechoslovakian scientists are currently visiting the United States in preparation for the 10-year anniversary conference of the International Association on Water Pollution to be held there in 1970.

As reported by the San Francisco Examiner, the scientists indicated that Czechoslovakia banned DDT because the country was alarmed by the dangers to man from this chemical agent. Although one of the scientists noted that the long-term effects of the buildup of DDT residues in man are not yet known, he said that "it has been proved that it accumulates in the body. We are afraid of the physiological aspects."

Czechoslovakia is one of at least three countries who have banned the use of DDT. The others include Denmark and Sweden.

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:

WHY CZECHS BANNED DDT

Czechoslovakia today, and for the past several years, has banned the use of DDT and controls the use of other pesticides and detergents to avoid polluting the nation's waters.

This was revealed here yesterday by Dr. Vladimir Madera, one of seven scientists and air and water pollution experts from this nation now visiting the Bay Area.

These controls were exerted in his country, Dr. Madera said, before it became a problem, because it was recognized these materials were "too dangerous to man."

He conceded it is not yet known that DDT is toxic, "but it has been proved it accumulates in the body. We are afraid of the physiological aspects," he said.

TOXIC

Dr. Madera, who has visited the United States before in exchanges of research and knowledge on pollution problems, and has worked as a consultant in other nations, recited one case in the United States where a food colorant was at first accepted as harmless, but discovered 10 years later to be toxic.

The pollution expert and his companions are here under sponsorship of the International Association of Water Pollution, which will hold its 10-year anniversary conference in San Francisco in 1970.

They expect to have as many as 4000 delegates from more than 50 nations attend, according to Dr. Erman Pearson.

Dr. Pearson, professor of engineering at the University of California, will serve as president of the 1970 world conference here.

Dr. Pearson said yesterday he believes the United States will be forced to seek similar legal remedies to water pollution problems ultimately.

"But legislation must give reasonable time for development of other materials without these harmful effects," he said.

Dr. Madera and the other leader of the Czechoslovakian group, Dr. Karel Symon, discussed the control of water quality in their own country and throughout Europe, as well as common European practice of reclaiming and treating the same water through as many as eight stages for use, for domestic or industrial purposes.

Dr. Pearson added:

"In Czechoslovakia as in Europe and the central United States, most water supplies are mixtures of waste waters and natural supplies. We take out the materials that are harmful.

"We're generally dealing with used waters. We must not think there is an inexhaustible supply of virgin waters around, because there aren't."

SECRETARY HARDIN'S APPROACH

Mr. DOLE. Mr. President, as a member of the Committee on Agriculture and Forestry, I wish to apprise Senators of the attitude and efforts which are characterizing the attempt to arrive at meaningful and satisfactory agricultural legislation.

On Tuesday of this week, Secretary of Agriculture Clifford Hardin met with the committee for an informal, frank, and highly informative discussion of the progress which the formulation of farm policy is making in Congress. In a wide-ranging conversation, Secretary Hardin briefed the committee on the Department's thinking, the viewpoints of the House Committee on Agriculture, and his personal assessment of the problems and possibilities in this year's efforts to draft acceptable legislation. The Secretary emphasized that his idea was to discuss all the issues, to bring to light all the objections, and to try to arrive at something which the Senate and House could accept and enact without the time-consuming conference or floor debate.

The attitude of the Secretary is both commendable and novel. It is refreshing to have a spokesman for the Department who does not come up on the Hill and attempt to ram his preconceived ideas down the throats of the House and Senate. Such tactics were the rule in the past and only served to stir emotions and precipitate extended debate. With this new approach and the fresh atmosphere it brings, the public stands a much better chance of seeing worthwhile farm legislation enacted. I wish to express my appreciation for Secretary Hardin's approach and to encourage Senators to respond in kind.

VICE PRESIDENT AGNEW'S RIGHT TO FREE SPEECH

Mr. GOLDWATER. Mr. President, much has been made in the press of the recent remarks of Vice President AGNEW on at least two occasions during the past 2 weeks.

It seems to me that this is a question of whose ox is being gored.

When the liberals feel like it, they speak just as openly and sometimes as harshly about conservatives as Vice President AGNEW has spoken about those with whom he finds himself in disagreement.

I think that the Vice President of this country has a right to free speech as much as any other American citizen.

I ask unanimous consent to have printed in the RECORD an excellent article written by David Lawrence, entitled "Agnew's Right to Free Speech," and published in today's Washington Evening Star.

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

AGNEW'S RIGHT TO FREE SPEECH

Some of the so-called "liberals" may unwittingly be creating the impression that, while their kind of dissent comes under the heading of "free speech," the outspoken remarks of Vice President Agnew in recent days are not covered by the same kind of constitutional privilege.

One Democratic senator now says that when Mr. Agnew, in a speech in Mississippi, declared that school officials had made "a strong case" for delaying desegregation in certain districts, this was an "unwarranted, unethical and grossly improper" attempt to influence the Supreme Court. He suggests that the vice president should devote his time to his "only constitutional duty"—namely, presiding over the Senate.

But the vice president of the United States has additional duties. He has the task of understudying the President and training himself for a job that fate may suddenly require him to take over.

Spiro Agnew announced immediately after election that he was an independent-minded person who would say what he believes, whether or not it agreed with the views of the President. He has the right, of course, to make speeches, and surely it will be conceded at least that he can talk on any subject that a senator can tackle in a public speech.

Only this week, Sen. Sam J. Ervin Jr., D-N.C., declared that constitutional government would perish in the United States if trends set by the Warren Court are not reversed. He prepared a detailed criticism of the legal course set by the Supreme Court and made a public address about it.

The vice president, as presiding officer of the Senate under the Constitution, would seem to be permitted the same rights as any member of the upper house. Senators have never put a limit on the topics they discuss in public speeches, and the vice president certainly has a similar privilege to delve into any subject, however controversial it may be.

Agnew made a speech for instance, in New Orleans last week that aroused nationwide attention. He condemned the proponents of the Vietnam "Moratorium" and said that the demonstrations were encouraged by "an effete corps of impudent snobs who characterize themselves as intellectuals."

The vice president, speaking at a fund-raising dinner for the Republican party, was endeavoring to defend the Republican administration against the attacks of political opponents. Agnew said that today "subtlety is lost and fine distinctions based on acute reasoning are carelessly ignored in a headlong jump to a predetermined conclusion." He added:

"Thousands of well-motivated young people, conditioned since childhood to respond to great emotional appeals, saw fit to demonstrate for peace. Most did not stop to consider that the leaders of the Moratorium had billed it as a massive public outpouring of sentiment against the foreign policy of the President of the United States.

"Most did not care to be reminded that

the leaders of the Moratorium refused to disassociate themselves from the objective enunciated by the enemy in Hanoi."

Agnew is the kind of man who doesn't mind criticism. But he also doesn't hesitate to respond as he pleases to those who make what he deems fallacious and ill-founded attacks on the foreign policy of the United States.

As for "putting pressure" on the Supreme Court through public speeches, many senators have expressed themselves frankly about the departure of the high court from the proper exercise of judicial authority. President Nixon himself said recently there is a need for justices who will interpret the Constitution strictly and not assume legislative functions.

President Franklin D. Roosevelt in the 1930s not only discussed what he felt were the shortcomings of the Supreme Court of that period, but sought from Congress the enactment of legislation which would enlarge the court from nine to possibly fifteen members and enable him to pick justices whose views were in accord with his own and thus attain a "liberal" majority.

It hardly seems consistent for the "liberals" today to deny either Vice President Agnew or anybody else the right to discuss public issues on which the Supreme Court may have to rule or the right to make speeches denouncing protest movements, especially those which have the effect of giving aid and comfort to the enemy in the midst of a war.

SENATOR ERVIN SPEAKS BEFORE THIRD ANNUAL NAVY JUDGE ADVOCATE GENERAL'S CONFERENCE

Mr. YARBOROUGH. Mr. President, last Thursday, October 16, 1969, the distinguished Senator from North Carolina (Mr. ERVIN), chairman of the Constitutional Rights Subcommittee of the Committee on the Judiciary, spoke before the third annual Navy Judge Advocate General's Conference.

In his remarks to the newly formed Judge Advocate Generals Corps, Senator ERVIN stressed the need for legislative reforms to increase the amount of due process in the procedures for administrative discharges in the Armed Forces.

Because of the importance of Senator ERVIN's proposals and the important part that the Judge Advocate Generals Corps of all branches of service will play in formulating successful reforms, I ask unanimous consent that his speech be printed in the RECORD.

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

THE NAVY LAWYER'S ROLE IN ADMINISTRATIVE DISCHARGE REFORM

Admiral McDevett and Gentlemen: I appreciate the honor of addressing this third Navy Judge Advocate General's Conference, the second since the Navy Judge Advocate General Corps was created. For many years, indeed, as far back as World War I, it was recognized that the responsibilities of Navy lawyers required that they be singled out and formed into their own corps. Now, finally, 150 years after Army lawyers were organized as a corps, Congress has passed the necessary legislation to give this long-delayed recognition to Navy lawyers.

I am proud of the part I was able to play in making this step a reality. Starting in 1961, when I became Chairman of the Constitutional Rights Subcommittee, I supported legislation to create a Navy Judge Advocate General Corps as an important element of a three-part legislative program to reform military justice and upgrade the quality of legal service in the armed forces. With the creation of the Corps and the passage of the Military Justice Act of 1968, two-thirds of the reform has been accomplished. With your active participation, the third part, reform of th administrative discharge system, can also be achieved.

Although the Navy's is the newest and the smallest legal corps of the three services, I believe that you have a great responsibility and a great opportunity to make your mark in the development of military law. The Navy prides itself on a tradition of service to the country which predates the Constitution. The Navy's role in securing our freedom and keeping it secure over two centuries is something that you as Navy officers share with pride. As members of the legal profession you share another, even older, tradition and that tradition is equally honorable. But tradition is not something received unchanged and unchangeable from the misty past. And as a new corps, the Navy's legal officers have a unique opportunity to initiate a tradition of legal service which the Navy and the country will regard with pride and honor.

Military justice is now in the midst of the greatest ferment since the end of World War II. Recent events have cast doubt on the direction it will take in the coming years. On the one hand, military justice has just been subject to the most thorough reform in two decades. The Military Justice Act of 1968 has expanded the responsibilities of military counsel in special courts-martial. It has significantly increased the stature and the role of the law officer, and acknowledged his new position by making him a federal judge. The military courts have also been significantly improved; first, by permitting waiver of the non-judicial members; and, second, by transforming the Boards of Review into full-fledged appellate courts. In addition, the 1968 reform gives to the military defendant and to his counsel significant new protections.

The Military Justice Act is a hopeful sign, for it demonstrates the country's concern for the citizen's right to receive the best possible justice this country can offer. And it demonstrates to the country that the military services are fully conscious of their obligations to provide first-class justice to the citizen in uniform. As legal advisor, as counsel, and as judicial officer, it will be your task to implement these reforms and make good the promises Congress and the military have made to the individual sailor and the country.

The symbolic importance of last year's reforms is perhaps even more important than the substantive changes that have been made. This is because the military services are going through their worst trial of public confidence in generations. The signs of a loss of confidence are everywhere—in the press, in the public, in Congress, and in the courts. They are seen in the widespread repudiation of our effort in Vietnam; they are evident in the growing rejection of government and authority by our young people; and, I regret to say, they are fueled by unwise or ill-judged actions of the services themselves and by scandals which reach to the very highest levels.

It would be a grave mistake to underestimate the depth and scope of this public feeling. This summer's debate on military appropriations demonstrated that half of the Senate was prepared to deny to the President and to our armed forces a weapon they considered essential to our national defense. Yesterday's events demonstrate that a large segment of opinion in our nation, including respected figures from all walks of life, rejects the considered policy of the President and his military advisors with respect to the war in Vietnam.

Public confidence in military justice is also being tested. In recent months the public has been treated to a series of incidents which, whatever the true facts and explanations, have cast a pall of doubt over the quality of justice dispensed by the armed forces. The recent Green Beret case and the handling of the Presidio incident in San Francisco are only two examples of this. Taken together with the adverse publicity generated by the Arnheiter and Pueblo affairs, it is clear that the reputation of military justice has suffered greatly in the eyes of the American public in recent months.

Serious doubts about the quality of justice administered by the armed forces are also evident in recent court decisions which have been extremely damaging to the armed forces. This past June, the United States Court of Appeals in Washington, D.C. expanded the scope of its review of courts-martial and imposed civilian standards of due process upon military justice. At the same time, the court restricted military jurisdiction over civilians serving with the armed forces in the field. The Supreme Court's decision in *O'Callahan* v. *Parker*, limiting the jurisdiction of military courts to "service-connected" offenses by members of the armed forces, is the most serious evidence of the low repute in which military justice is held in some quarters.

Justice Douglas's constitutional history may be weak, and his comments on military law may be as unfair as they are intemperate, but the explanation for his judicial condemnation of military justice is simple. Some federal courts have a deep-seated suspicion of military justice, and they are seeking in every way possible to restrict the scope of what they view as a decidedly inferior brand of justice.

In my judgment, it would be a profound mistake to underestimate the strength of the trends I have been discussing. Prudence would dictate that the military services take the most pessimistic view of these developments and turn their efforts to making the greatest possible reforms in those areas of military law which are in need of improvement.

The area of military justice in greatest need of overhaul and reform is administrative separations. While it has been traditionally argued that the discharge system is administrative rather than legal in nature, such an attitude ignores realities. So far as the public is concerned, any discharge other than Honorable is a condemnation of the serviceman's performance, his character, his morality, or his honesty. A General Discharge and even more, an Undesirable Discharge, is evidence of character defect or wrong doing, or both. Both these discharges profoundly affect the individual concerned. His military service is terminated, sometimes when he may wish to continue it as a career. His rights to accrued or potential government benefits are impaired. His civilian life is also damaged. He bears the social stigma of being adjudged "undesirable" by the government and he will find that his employment opportunities are severely reduced. Most of those who receive less than Honorable Discharges are youngsters still in their teens, yet the adverse effects will remain for the rest of the individual's life. Sometimes the burden is more onerous than conviction for a crime.

The effects of non-Honorable administrative discharges are so damaging that it is no wonder that more and more attention is being directed towards improving the procedures by which they are awarded. No longer can the armed forces contend that the type of discharge simply reflects the character of the individual's service and thus is a matter entirely within the discretion of the military. In the near future the discharge system will have to accommodate itself to other factors, and the power to issue non-Honorable certificates will have to be balanced by the effects those discharges have on the citizen.

The *O'Callahan* case established a new

principle—that the armed forces have only limited control over a member's actions. I disagree with Justice Douglas' opinion, which in my view is directly contrary to constitutional tradition. I believe the armed forces have a direct interest in the conduct of its members, whether on or off-duty. Nonetheless, the *O'Callahan* case is now law and it may have profound impact on the administrative discharge system. If the military cannot try a man for wrongs committed outside of the military context, can they discharge him administratively for those same acts, or for any behavior not connected with his service? Can they discharge for conduct which is not directly connected with the ability to render fruitful service? Even if the services can discharge for "service-connected" behavior, can they issue an adverse certificate without adhering to criminal law standards of due process?

These and other questions are raised by the *O'Callahan* case, and I do not mean to suggest that I would answer them in the negative. Nor do I predict that the courts will necessarily do so. But the chances of judicial restrictions on the administrative discharge system are directly related to the quality of the system itself and the way it operates. This means that there is an even greater urgency to overhaul discharge procedures.

The responsibility for improving administrative discharge procedures lies in the first instance on the Navy lawyer. It is up to him to convince the non-lawyer members of the Navy that the law and the lawyer must play an important and a decisive role in the operation of the system. This is not a new or outrageous idea. Twenty years ago the service lawyer was recognized as the most important element in the court-martial system. It was an idea then bitterly fought by non-lawyers. But now everyone recognizes the great improvements that resulted from this step and it would be unthinkable to return to the old philosophy of the court-martial.

The administrative discharge system is in the same stage of development as military justice was on the eve of the Uniform Code. Perhaps the most important single change necessary is the recognition that lawyers must play a dominant role in the operation of the discharge system. This means that Navy lawyers must be present at discharge hearings to represent the serviceman, the Navy, and the board itself. It also means that your Corps must play an active role in every stage of the discharge system, from advice to the commander prior to the summoning of a board through to the conclusion of a formal appellate review.

The overriding task of the Corps is to assure the sailor and the public that fair play and due process are the foundations of the administrative separation process. The public must be convinced that the discharge system is more than a summary means of administratively disposing of people who are not wanted in the Navy. It must be seen as a process in which the rights of the individual are equally as important as administrative convenience.

I urge the Corps to take the lead within the Navy in seeking reform. If you are successful, Navy support of legislative reform could be decisive in the months ahead. If the Corps accepts this challenge, I believe the Navy will soon have a new tradition of service to the Nation of which all the country can be justifiably proud.

OPERATION INTERCEPT AND OPERATION COOPERATION

Mr. MURPHY. Mr. President, on September 21, the administration's Operation Intercept program began, aimed at halting the flow of illegal drugs across the Mexican border into the United States. The institution of the program, however, brought long delays in border crossings that caused a furor among businessmen and tourists.

On October 3, I wrote Secretary of the Treasury Kennedy and Attorney General Mitchell suggesting measures to further implement "Operation Intercept" and relieve some of the burdens and lengthy delays that were imposed upon persons who must, for legitimate businesslike purposes, regularly come from Mexico to California. Because of the valid needs of many workers and students who must cross the border, I suggested then that the inspection facilities and number of personnel should be increased as much as was practicable. Further, I urged that special gates and inspection lines be established for those who have imperative reasons for coming into our country.

I was pleased when, on October 10, the Governments of the United States and Mexico announced jointly that Operation Intercept would be superseded by Operation Cooperation. Since that time, Mr. President, I think it has become apparent that the United States has adjusted its border inspection procedures to expedite passage into the country while maintaining our intensified surveillance, and there have been good indications that the Mexican Government is cooperating as a full partner in the program, thus contributing to the long range effectiveness of Operation Cooperation and continued good relations between our two countries in all areas.

Proof of Mexico's full participation in the drug campaign was evident in the recent seizing by the Mexican Army of a 250-acre marihuana farm located in a remote area of southern Mexico. The plantation was equipped with a small airport that enabled its owners, who are believed to be U.S. citizens, to transport marihuana into the United States by plane.

In addition, the Mexican Army has assigned 5,000 of its troops to aid police in locating and destroying opium and marihuana fields and other sources of illegal drugs in that country.

To heighten the spirit and effectiveness of Operation Cooperation, Mr. President, as I have stated in testimony before the Special Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee, I feel that we must enact further legislation as proposed by the administration to protect the general public from the illicit diversion of drugs from legitimate channels and to make certain that there is a greater accountability of drugs from the Nation's pharmaceutical companies. There are considerable quantities of drugs legally manufactured in the United States that are sold and exported to Mexico and then smuggled back into this country. I strongly urge that the administration's recommendations to curb and control dangerous drugs be acted upon immediately. I think it is imperative that the Federal Government take the initiative in policing and regulating the illegal importation of drugs and alcohol brought into the United States.

We all know how important it is to cut off the supply of marihuana, narcotics, and other dangerous drugs which have become such a severe national problem, particularly among our young people. I am pleased that many of my recommendations submitted to the President last year are now being enacted in steps that I believe will ultimately lead to a dramatic decrease in drugs entering the United States from Mexico, which until now has remained the source of from 85 to 90 percent of marihuana in the United States.

I believe Operation Cooperation has been a big step forward in drug control, and I am confident that its inception will in the long run benefit relations between the United States and Mexico as it also helps alleviate a menace to mankind everywhere.

TREASURY SILVER POLICY OUTLINED CLEARLY, SUCCINCTLY BY ASSISTANT SECRETARY EUGENE ROSSIDES

Mr. BENNETT. Mr. President, this week, at the American Mining Congress convention in San Francisco, the Assistant Secretary of the Treasury, Eugene T. Rossides, was invited to participate in the panel discussion on silver.

He delivered a clear, succinct, and well-reasoned address on the question of the Treasury's silver policy which should receive widespread attention.

Much has been said about the Treasury's policies in this matter, and there has been considerable fog surrounding the question; however, Mr. Rossides in this factual and informative statement has cleared away some of the misunderstandings.

I congratulate Mr. Rossides on this statement and ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY THE HONORABLE EUGENE T. ROSSIDES

I should like to express my appreciation to the American Mining Congress and to our Co-Chairmen, Mr. Strauss and Dr. McLaughlin, for inviting me here to talk about silver. Since the founding of this great organization in 1898 the American Mining Congress has worked vigorously for safer and more efficient mining practices as well as playing a prominent role in all the major policy decisions which have kept the Government an active participant in the silver market. The Treasury has always welcomed your advice and now that we are approaching the end of that phase of the long monetary history of silver, I think it appropriate that we again exchange views.

At today's meeting I will present the Treasury's view of an appropriate silver and coinage policy during this sensitive period when the market is making its final adjustment to complete independence from the Government as a buyer or seller of silver.

HISTORICAL SETTING

Before outlining the Treasury's current silver and coinage policy and the decision making process by which it was reached, I would like to very briefly review the events of the past decade. I think this is essential to understanding today's silver issues.

The series of events which will culminate in the final withdrawal of the Government from the silver market began in the late

1950's. At that time the Treasury held huge stocks of silver as a result of heavy purchases to sustain the silver price during the long period when the mines were producing far more silver than could be used for coinage and industrial needs. In December 1959 Treasury silver holdings totaled more than 2 billion ounces, nearly all of which was held as reserve against silver certificates.

About this time two trends of major significance to the future of silver became evident. The first was the rapid acceleration in the demand for coins under the influence of an expanding economy and growing use of vending machines. The second key event was that for the first time in modern history rising industrial demand for silver exceeded current production both on a domestic and a worldwide basis. The growing gap between production and consumption was made up in large part from Treasury stocks of free silver which dropped by about 200 million ounces from April 1959 to November 1961, when sales were suspended.

At the same time the Government faced a rapidly growing need for silver to increase the circulation coinage. Obviously this supply could not come from domestic production which was already inadequate to meet industrial demand. In this situation the only practical way to obtain silver for coinage needs was through the gradual retirement from circulation of silver certificates thereby freeing the silver held as a reserve for these certificates. It was thought at that time that the retirement of silver certificates would make available enough free silver to meet the Treasury's coinage needs for many years into the future.

Unfortunately events did not work out that way. Over the next few years the tremendous production of coins required to keep pace with the increasing demands of the economy cut deeply into the Treasury's silver supply. In 1962 and 1963 nearly 200 million ounces of Treasury silver were used for coinage and the demand was still rising. Moreover, by mid-1963, under pressure of private market forces, the price of silver had risen to its monetary value of $1.29 per ounce. A continued price rise much beyond that point would have made it profitable to melt the subsidiary coins for their silver content and thereby threaten the continued circulation of our silver coinage. To prevent such a crisis the Treasury in July 1963 resumed the open sale of silver at the fixed price of $1.29 per ounce.

Over the next two years an adequate volume of silver coinage was maintained in circulation but only at the cost of huge amounts of Treasury silver. In 1964 and 1965 production of silver coins required over 500 million ounces of Treasury silver. During the same period it was necessary to sell an additional 230 million ounces in the open market in order to keep the price at a level which would prevent a wholesale withdrawal of coins from circulation. In short, from 1962 to 1965 the Treasury had to use nearly 970 million ounces of silver in order to maintain an adequate volume of circulating silver coinage. This total was roughly equivalent to 25 years' annual mining production in the United States.

By this time it was obvious that the use of silver in United States coinage for very long into the future was no longer possible. Recognizing this, the Congress in 1965 authorized the production of non-silver dimes and quarters, retaining only the 40 percent silver half dollars as a link to the past.

But the coinage crisis was not over by a long shot. The task now was to produce, during the relatively brief remaining period when it would be possible to keep an adequate amount of silver coins in circulation, enough cupro-nickel dimes and quarters to meet fully the economy's circulation needs.

To the everlasting credit of the men and women of the Treasury's Bureau of the Mint this race was won, although the finish was very close. By May of 1967, when the soaring demand for purchases of Treasury silver forced the final halt to open market sales at the fixed $1.29 price, enough cupro-nickel coins had been produced to tide us over the crisis.

But again the cost in Treasury silver had been high. In 1966 and 1967 another 100 million ounces of silver was used for the Kennedy half dollar and it was necessary to sell nearly 300 million ounces to maintain the $1.29 price. This brought the total amount of Treasury silver used from 1962 through mid-1967 in the attempt to maintain an adequate circulating silver coinage to approximately 1.3 million ounces.

In August 1967 the sale of surplus Treasury silver by the GSA through weekly competitive bids was begun and these sales have continued until the present time. Sales under this program to date have totaled some 220 million ounces. To round out this historical resume, just over 100 million ounces of silver were exchanged for silver certificates during the year preceding the redemption cut-off in June 1968.

THE TASK FORCE REPORT

With this as background, let me now turn to the situation faced by this Administration early this year and review with you the process by which we arrived at our current policy position on silver.

In March 1969 Secretary Kennedy established a special task force of Treasury officials to review all major silver and coinage issues and recommend appropriate administrative actions and where necessary new legislation. I was a member of this group.

The Task Force took as its basic premise that a sound silver policy program should facilitate an orderly withdrawal of the Government as a participant in the silver market consistent with the following essential needs: (1) a strong and efficient monetary system, (2) maximum feasible fiscal return to the taxpayers, (3) minimum inflationary impact on consumer prices, and (4) minimum adverse impact on the balance of payments.

The Task Force first gave attention to determining what portion of the Treasury's supply of silver could be considered surplus to the Government's need over the foreseeable future. We concluded that the total amount of silver available to the Treasury in April of this year that was not directly committed for any future need was about 140 million ounces. This figure was over and above the 165 million ounces of silver which by law had been transferred to the strategic stockpile in June 1968.

In early May the Task Force completed its study and presented a report to the Secretary outlining its recommendations. The recommended program was then reviewed by and received the full approval of the Joint Commission on the Coinage, a non-partisan body established by law to advise the President and the Congress on silver and coinage matters. This 24 member Commission includes 12 members of Congress, 4 members from the Executive Branch, and 8 public members appointed by the President.

The administrative actions endorsed by the Commission were immediately put into effect by Secretary Kennedy. These were (1) lifting of the coin melting ban, and (2) a reduction of the weekly sales of silver by the GSA from 2 to 1½ million ounces.

The Treasury's action in lifting the coin melting ban in May of this year was in our judgment a sound one. At that time the coin melting ban no longer served the purpose cited when it was first put into effect in May 1967, and I might add that a ban on melting coins was without precedent in our nation's history. The original purpose of the ban was to keep the silver dimes and quarters circulating during a period in which there was doubt that supplies of clad coins were fully adequate for commercial needs. But by May of this year virtually all the silver coins had disappeared from circulation and the supply of clad coins was fully adequate for commercial needs.

A secondary purpose of the coin melting ban was to enable the Treasury to build up its reserve of silver coins. However, by May of this year the remaining supply of outstanding silver coins was locked up in private hoards and the inflow to the Treasury had run dry. It is interesting to note, by the way, that lifting the coin melting ban was one of the few issues on which the associations representing both silver users and producers were in accord.

Another important matter to which the Task Force gave careful attention was the question of Treasury silver sales through the General Services Administration. The first consideration was whether the Treasury should continue to sell any silver through the GSA. On this the Task Force recommended that the sale of silver be continued and that it be made clear as nearly as possible how long these sales would be maintained. Let me list a few of the major reasons why this conclusion was reached.

1. The silver being sold is not needed by the Government. The 165 million ounces already transferred to the defense stockpile has been established by the Congress as ample for any future emergency industrial need.

2. The continued sale of silver through the GSA has a favorable effect on the balance of payments. If silver sales were halted, net silver imports over the next year would have to rise by about 75 million ounces. This would increase the balance of payments deficit by perhaps $150 million.

3. Profits on silver sales would add substantially to the Treasury's revenue and since August 4, 1967 this profit has totaled over $100 million.

4. Continuation of Government silver sales would permit the market to adjust in an orderly manner to the inevitable point when the Government must cease to be a supplier, which we now think will be about the end of 1970.

The Task Force then turned to the question of an appropriate rate for sale of the Treasury's silver and concluded that the weekly amount of silver offered through the GSA should be reduced from 2 to 1½ million ounces. The main justification for this action was the belief that since the Treasury would have to halt sales in less than two years, a gradual cut-back in the amount offered would help the market make an orderly adjustment to this fact. It was thought preferable to maintain the 1½ million ounce rate rather than add further uncertainty by phasing out sales at gradually reduced levels.

We recognized that if the intent to maintain the 1½ million ounce sales figure were made clear, participants in the silver market—producers, users, and investors—would have full knowledge of the time and extent of Government activity in the market. During this transition period the market would have ample opportunity to make an efficient adjustment to the time when—like other commodities—the price of silver would be determined entirely by private supply and demand. We felt that removal of uncertainty regarding the future of the Government's silver policy would add a stability to the silver market that should be welcomed by both producers and consumers.

The third administrative action taken by the Treasury with the endorsement of the Coinage Commission was to open the weekly GSA sale of silver to all bidders with no restrictions on the use of the silver purchased. Until that time silver sold by the GSA had to be consumed entirely by domestic industry. This restriction on the use of the silver was established during a period in which the prolonged refiners strike had sharply curtailed the domestic supply of industrial sil-

ver. In recognition of the temporary nature of this restriction, the Treasury in 1967 had signified its intent to remove it as soon as feasible. In our judgment this action was long overdue.

LEGISLATIVE PROGRAM

I would like now to briefly outline the legislative recommendations recommended by the Task Force and which are now under consideration by the Congress. Provisions of this legislation of interest to this group would grant the Secretary of the Treasury authority to mint both a non-silver cupro-nickel half dollar and a non-silver cupro-nickel dollar coin.

The Treasury's request for authority to mint a non-silver half dollar was based on the conclusion that there is an important commercial need for an adequately circulating half dollar that can only be met by minting a non-silver coin. I think the most convincing argument for granting the Treasury this new authority is the fact that only a very small percentage of roughly 1¼ billion silver half dollars—both 40 percent and 90 percent silver—minted since 1963 are actually circulating.

Well over 200 million ounces of silver have already been used to mint this coin. This is equal to the total amount of silver mined in the United States since 1963. As Secretary Kennedy pointed out in a statement to the Coinage Commission, the 40 percent silver half dollar on our past experience is simply a losing proposition. The realistic choice we face is either to abandon this coin altogether or mint it of the same cupro-nickel clad material now used in dimes and quarters. We prefer the latter alternative.

The second major provision of the coinage bill would authorize the Secretary of the Treasury to mint cupro-nickel dollar coins of the same clad material now used in dimes and quarters. Before making this recommendation we gave very careful consideration to the composition of the new dollar coin which would bear a portrait of President Eisenhower. The principal issue was whether the coin should contain silver or be minted of the cupro-nickel clad material used in other coins. This is still an unresolved issue since on last Wednesday the House of Representatives voted for a cupro-nickel dollar coin just a few hours after the Senate voted for a 40 percent silver dollar. This issue will be resolved in the near future.

There are many sound reasons why we believe that a cupro-nickel dollar coin is strongly in the public interest:

1. *The primary purpose of coinage is to effectively serve as a medium of exchange, to buy goods and services. Only a non-silver dollar coin would actually circulate.* The experience with the Kennedy half dollar demonstrates that silver coins will not circulate in significant quantity. The Treasury and the Joint Coinage Commission both concluded that there is a commercial need for a circulating dollar coin that can only be met by a non-silver coin.

2. *Over the next fiscal year the non-silver dollar coin would mean a greater monetary return to the Federal Government than would be realized by a 40 percent silver coin.* S.J. 158 which has passed the Senate would authorize the minting of 100 million 40 percent silver dollar coins a year for three years or until the supply of remaining silver is exhausted. Each 100 million of these coins would mean a return through seigniorage of about $52 million. By contrast, the monetary gain by producing each 100 million non-silver dollar coins would be about $95 million. In addition, if the remaining silver surplus is not used for coinage the Treasury could obtain as much as $50 million more in revenue in 1970 from continued sales through the GSA.

Moreover, if the Congress acts now to authorize the minting of a cupro-nickel dollar coin, the Treasury can move very quickly to mint this coin in volume production, depending, of course, on public demand and available appropriations. We could mint as much as 300 million of these coins by the end of 1970. The total seigniorage, at least in 1970, would certainly be greater for a cupro-nickel than for a 40 percent silver dollar coin. Over a three-year period the seigniorage return on the cupro-nickel coin could approach a billion dollars. The advantage to the public is that this seigniorage return reduces the Government's borrowing needs by an equivalent amount. However, under the provisions of the coinage bill passed by the Senate, the minting of a cupro-nickel dollar coin could not begin until the available silver supply is exhausted which might take several years.

However, it should be emphasized that the major purpose of our coinage system is not to maximize seigniorage but to meet the country's need for an adequate supply of circulating coins. Seigniorage is simply the difference between the face value of a coin and the cost of its component materials. Including silver in a coin reduces seigniorage since silver is obviously more costly than copper or nickel. Although those who advocate the silver dollar assert that this would be equivalent to selling silver for $3.16 per ounce, it is no more logical to put a sale price on the silver in the coin than it would be to compute a sale price on the copper and nickel in dimes and quarters.

3. *Using our surplus silver for dollar coins would significantly increase our balance of payments deficit.* Current annual domestic silver production is less than 40 million ounces compared with industrial consumption of about 145 million ounces. If weekly GSA silver sales are halted because all our remaining surplus silver is reserved for dollar coins, then silver imports for industrial use would have to increase substantially. We estimate that the resulting adverse effect on the balance of payments in the first year could be as much as $150 million.

4. *The final enactment of legislation recommended by the Treasury in addition to providing the economy with needed circulating coinage, would also be a major contribution toward alleviating the unstable conditions that have plagued the silver market for over two years.* The sharp and largely irrational movements in silver prices both up and down have been stimulated by rumors and uncertainties regarding anticipated Government actions. We think the enactment of the Treasury coinage bill will end this uncertainty by finally enabling the Treasury to clearly set forth just how much surplus silver it holds and how long and at what rate this silver will continue to be sold through open competitive bids.

As of September 30 the Treasury stock of silver bullion totaled about 80 million ounces. Of this total about 35 million ounces is in a form readily available for market sale. In addition we estimate that the Treasury's inventory of silver in coins that will be melted into bars totals about 60 million ounces, a figure we consider reasonably accurate within a 10 million ounce range. As of now, the Treasury's total stock of silver, including silver coins, is approximately 140 million ounces. This figure is entirely separate from the 165 million ounces of silver already set aside in the defense stockpile.

The enactment of the Treasury bill would make surplus virtually all of the Treasury's remaining stock of silver except for the relatively small amount that might be required for minting of half dollars in a transition period. We estimate that the silver surplus which could be available over the next year is adequate to continue sales through the GSA at the current rate through the greater part of 1970. At that point the slate would be clean. In this clearly defined period of adjustment producers and users of silver have ample opportunity to gear their operations to eventual complete independence from Government sources of supply.

In summary, the Treasury believes that the administrative actions that have been put into effect with regard to silver together with the prompt enactment of the coinage bill recommended by the Treasury will contribute greatly to a more effective coinage system and facilitate an orderly transition of the silver market to full reliance on private sources of supply.

SUBURBAN ZONING ORDINANCES

Mr. JAVITS. Mr. President, on October 14, I introduced S. 3025, the Urban Land Improvement and Housing Assistance Act of 1969. The bill was cosponsored by the Senator from Michigan (Mr. HART) and the Senator from Pennsylvania (Mr. SCOTT).

In the course of introducing the bill, I noted that the housing crisis is particularly serious in our central cities, where the available land is most limited and most expensive. Nonetheless, the poor are effectively locked into a decaying inner-city housing stock through fragmented, outmoded, and restrictive suburban zoning ordinances.

In an article published recently in the National Observer, Mark R. Arnold noted that the greatest barrier to low- and moderate-income housing in the suburbs is municipal finance. Mr. Arnold writes:

> The plain fact is that under present tax policy it is unprofitable for municipalities to welcome low-cost or high-density housing for large families.

In his article, Mr. Arnold calls for incentives to the suburbs to make low-cost housing opportunities available.

The Urban Land Improvement and Housing Assistance Act of 1969, which I introduced with Senators HART and SCOTT, would encourage States and localities to reform their laws and institutions and to assist them in overcoming obsolescence and fragmentation in zoning, taxing, and building standards. This would be done through Federal incentives—supplementary grants for those impacted local services which would be affected by more intensive land use and expanded low-cost housing.

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

I invite attention also to an article on "New Towns," written by Edmund B. Lambeth, and published in the most recent issue of Washington Monthly. Mr. Lambeth notes the inadequacy of present legislation in this area and emphasizes the role that new town development could play in relieving the pressures on the central cities and directing urban growth. S. 3025 would respond to this challenge by authorizing a program of Federal assistance and loans to States for the establishment of land-development agencies. Such a program, if enacted, would go far to giving government, at all levels, the tools needed to implement a national urban growth policy.

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

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

[From the National Observer, Oct. 20, 1969]

COURTS MAY RULE ON CHALLENGE TO SUBURBAN ZONING—BIG-LOT MINIMUMS MEAN BIG PRICES FOR HOUSING; CRITICS CHARGE EXCLUSION

(By Mark R. Arnold)

There's a new attack on segregation in America.

Its target is the suburbs that ring the nation's cities, where the mechanism of segregation is not the restrictive covenants and discriminatory real-estate policies of old, but local zoning and land-use regulations.

It is a segregation based not on race but on income, and it is placing the suburban dream that has nurtured generations of Americans beyond the resources of increasing numbers of people, white and black.

"Today's suburbs demand an admission price," says urban planner Paul Davidoff, "and more and more people can't pay it." Among those people, he says, are the urban poor, workers with incomes below $8,000, young married couples, and elderly couples who already live in the suburbs but can't afford to stay there if they sell their homes.

NEW-HOME MEDIAN PRICE: $26,700

The median sales price of a new home in the suburbs this year is $26,700, according to the National Association of Home Builders, up from $18,000 as recently as 1963. Many communities offer no new homes in the price range where they are most needed—$15,000 to $25,000, and suburban apartments for growing families are generally available only for the well-to-do.

The problem is this: The soaring costs of land and housing have intensified the demand for modest homes and apartments to absorb the growing population. But the suburbs are swelling, not loosening their entry requirements, decreasing larger minimum lot sizes for houses, tightening up subdivision regulations, rejecting bids for multifamily housing. They are being forced—for reasons to be examined later—to slam the door on people of moderate means.

They can do this because the courts have traditionally held that zoning—partitioning off a community into industrial, commercial, and residential sectors—is a purely local matter. There are 8,800 local zoning boards in the United States—500 in the New York metropolitan area alone, and all operate under a delegation of the state's police power to provide for the general health, welfare, and safety of the community.

SERIOUS QUESTIONS FOR SOCIETY

The National Commission on Urban Problems, which carried out the most comprehensive study of American zoning patterns, recently concluded that local land-use controls are being used to "exclude large numbers of persons from certain areas on the basis of economic status, size of family, or race." The practice, it said, raises "fundamental questions . . . for a democratic society."

Now, for the first time, exclusionary land-use practices are under attack. Items:

A new and controversial Massachusetts law, aimed at forcing suburbs to welcome all income groups, gives a special state appeals board the right to overrule local zoning decisions against low- and moderate-income housing under certain circumstances. In theory the board could compel communities to devote 10 per cent of their housing to lower-income groups.

A new New York State Urban Development Corp. has been granted sweeping powers to build public or publicly assisted housing in any municipality in the state. Veteran urban planner Edward J. Logue, who heads it, says the object is to break through suburban zoning patterns that "promote, under other banners, an *apartheid* residential policy."

A series of legal actions is challenging the Constitutional basis of local zoning autonomy. In two cases about to be initiated, developers in Oyster Bay, New York, and Fairfield County, Conn., will argue that municipal zoning ordinances prohibiting multifamily dwellings do not promote the general welfare and do deprive low-income citizens of their right to equal protection of the law.

THE HEART OF THE CONFLICT

This battle over exclusionary land-use practices may go to the heart of an unresolved conflict over the nature of discrimination in American life. Last year's Federal open-housing law, by removing race as a legally tenable basis for discrimination, in effect set up ability to pay as the sole criterion for housing selection. If the courts should hold that exclusionary zoning practices are themselves discriminatory, then the repercussions would be felt in every suburb in the United States.

The idea that the courts might find such practices discriminatory is not as far-fetched as it might appear. To understand why, it is necessary to look at some of the effects of economic segregation in housing.

First there's the housing market. To meet the expected demand for low- and moderate-income housing, the 1968 Housing Act commits the nation to the building of 6,000,000 subsidized dwelling units over the next decade. Given the shortage of suitable land in central cities, where so many of the poor are now, the assumption is the bulk of that housing will have to go up in the suburbs—in the form of garden apartments, and single-family homes on small lots.

Yet, as Joseph D. Keenan, international secretary of the International Brotherhood of Electrical Workers, told Congress recently: "The plain political fact is that most suburbs resist the location of such housing within their boundaries."

Last week, for example, residents of San Antonio's suburbs were up in arms over a local housing authority bid to hire developers to build 411 homes in the $16,000-to-$21,000 price range for families with incomes below $6,000. Opponents argue the proposal will depreciate the value of neighboring property and overburden the schools.

IMBALANCE BETWEEN JOBS AND PEOPLE

Moreover, there is the growing imbalance between jobs and people. Over half the industrial and commercial buildings constructed in metropolitan areas between 1960 and 1967 were built outside central cities, yet it is in central cities where those who need them most—the poor, the nonwhites and the unemployed—are concentrated. Indeed, as a soon-to-be published report of the U.S. Commission on Civil Rights makes clear, "Jobs for which beginners or relatively unskilled people could qualify—those in manufacturing and retail trades—are the ones for which the trend toward suburban locations is strongest."

"What's all this talk about rebuilding cities?" asks Neil Gold, youthful co-director, with Mr. Davidoff, of the Suburban Action Institute in White Plains, N.Y. "The suburbs have the jobs, the housing, and the land. That's where the resources are. That's where the opportunities are. The only thing not there are the people who need these resources, these opportunities. The thing that needs to be done is to find a way to give them the chance to go to the suburbs like everybody else."

Are such people really barred from suburbs? Not all suburbs are affluent or have restrictive zoning and other land-use regulations, of course. But many do, and the number seems to be increasing.

In the New York metropolitan area, 99 per cent of the vacant land zoned for residences is restricted by zoning to single-family homes. And the size of the minimum permissible house lot in most municipalities is double what it was 20 years ago. Ninety two per cent of the vacant land zoned for residences in Connecticut is reserved for house lots of a half-acre or more, 67 per cent in the Cleveland metropolitan area.

Authorities point out that large-lot zoning sometimes has a variety of justifications such as topography or soil conditions. Sometimes, communities use such zoning to better control the pace of their growth.

Other common land-use practices, however, tend to be exclusionary. Many suburban communities bar any new apartments or townhouses or restrict such construction to high-rise buildings. Says Eugene B. Sieminski, a real-estate economist in Silver Spring, Md.: "Often a community will say okay to one-bedrooms or efficiencies, but no to apartments that will bring in kids."

Another tack is for zoning boards to impose a large minimum square-foot-floor area. For example, the 1,700 square-foot minimum imposed in Bloomington, Minn., a well-to-do suburb of the Twin Cities of Minneapolis and St. Paul, makes it impossible to build a house for under $27,000 in construction costs, according to a study by the National Commission on Urban Problems, headed by former Sen. Paul Douglas.

The Douglas commission says that the suburbs want "all of the cream and none of the milk." And the time-honored sanctity of local zoning decisions permits them to have their way.

"What happens is each suburb says 'we don't want those problems,' and they push them away; they literally zone them out," says Paul Davidoff. "So they all end up in the central city, and you have ghettos, welfare, crime, unemployment, and everything else. But the suburbs pay for it in the end. It's their companies that can't fill their orders because of a shortage of help, the suburban housewife who can't find a domestic, and their homes that are getting the expensive new locks put on the doors."

Mr. Davidoff and Mr. Gold, of the Suburban Action Institute in New York's suburban Westchester County, are mounting an ambitious assault on the nation's zoning codes. With backing from the Taconic Foundation and Stern Family Fund, they are stimulating open-housing groups throughout the New York metropolitan area to hire developers and come up with plans for attractive, low-income housing in their communities.

A FUNCTION OF STATE POLICE POWER

The groups would take options on land, and then petition local zoning boards for rezoning to permit the intended use. If zoning boards refuse—and it is assumed that most of them will—the local groups will take them to state courts. "Zoning is a function of the state police power," notes Mr. Gold, the 32-year-old planning consultant, "and its purpose is to promote the general welfare. If it ignores the poor, we would argue it isn't promoting the general welfare."

Attorneys for Suburban Action also argue that suburban prohibitions on multi-family housing are a violation of Federal law. The argument is that by impeding the freedom of workers to follow their jobs to the suburbs, they restrict interstate commerce. That argument would open the way for litigation in the Federal courts.

Two weeks ago, Suburban Action joined with the NAACP in sponsoring a two-day conference in Chicago aimed at exploring ways to open the suburbs to lower-income groups. It drew representatives of church, civil-rights, labor union, and open-housing groups from various parts of the Midwest. Other conferences are planned for Los Angeles next month and New York City in January.

One likely outcome of the conferences will be a surge of legal challenges to various zoning practices. The U.S. Supreme Court hasn't considered a zoning case in more than 40 years. Some attorneys argue it will have to consider one within the next few years.

"Increasingly," says Richard F. Bellman,

associate counsel of the National Committee Against Discrimination in Housing, "the thrust of legal argument is the effect of governmental action is as important as intent. On that basis the Supreme Court outlawed the poll tax and found it discriminatory. And it said courts have to furnish free transcripts to indigents appealing criminal convictions. If you look at these zoning laws—at their effects—you find them equally discriminatory."

A BARRIER TO LOW-COST HOUSING

Whatever the merits these arguments might have in a court of law, there is one barrier to low- and moderate-income housing in the suburbs that ranks above all others—municipal finances. The plain fact is that under present tax policy it is unprofitable for municipalities to welcome low-cost or high-density housing for large families. Thus the large-lot zoning, the tight sudivision regulations, the rejection of bids for multi-family housing.

"I'll show you why these suburbs are getting more exclusive," says Jack D. Levin, a Bergen County, N.J., realtor, who services the area around Upper Saddle River, a rustic, New York City suburb where the new homes start at $75,000. He takes out his book of listings and thumbs through it. "Here's a $90,000 home, and look at the taxes, $1,000." The picture shows a five-bedroom colonial with gracious lawn and white pillars. "Now look at this one, in a neighboring community." It's an ordinary split level. "$32,900, and the taxes are $904. That's almost as much as the $90,000 home here."

The difference, says Mr. Levin, is that Upper Saddle River has one-acre minimum zoning and the adjoining community a quarter acre. That quarter acre means "more homes to the acre, bigger sewer pipes, more school costs." Taxes in New Jersey have doubled in a decade, Mr. Levin points out, and he adds: "If a home isn't priced above a certain price it doesn't cover the cost to the community of having it there."

Officials of the Parkway School District, which covers the well-to-do western suburbs of St. Louis, estimate it will cost $668 to educate a public-school child this year. To provide $668 in school taxes, a house in the district must be valued at $37,500. To discourage the building of less expensive homes, the Douglas Commission found that local zoning authorities insist on a minimum house lot requirement of a quarter acre.

A MAYOR WOULD BE NUTS

The reasoning of local authorities is that it would be uneconomical for a builder to try to put a house worth less than $37,500 on a lot of a quarter acre. But he might try if the acreage limit were smaller. Two homes on the quarter acre lot might provide more taxes than one house—but they would also increase the burden on community facilities and raise community costs for schools and other municipal services.

It is surely one of the ironies of public policy today that the course most often urged on the suburbs, the opening up of housing opportunities for low- and moderate-income families—is also the most expensive course for them to follow. "A mayor would have to be nuts," says a city planner in Chicago, "to want to do what the Government says he ought to. Can't you just see him telling his constituents: 'Now it may hurt your property values, and overcrowd your schools, and mix you with people you came here to get away from, but don't fret. It will also cost you money.'?"

Washington's newest and most ambitious program for building attractive lower-cost housing is Housing Secretary George Romney's Operation Breakthrough, which would apply mass-production techniques to home construction. The vacant land on which most of those homes will be built is in the suburbs. Yet there is no reason to believe the suburbs will respond to Operation Breakthrough unless they are given bonuses to offset the financial drain of the families they would have to absorb.

There are many ways to build suburban housing at lower cost—the space-preserving cluster-development concept, for example, in which houses share joint walls and courtyards—but in the absence of community incentives, these techniques are not often used to benefit people of low or even moderate means.

Washington then, or the state capitals—if they are given the money they are promised under President Nixon's revenue-sharing plan—must make it worthwhile for the suburbs to lower their price of admission. A model for action, some say, is the impacted-areas program, under which bonuses are paid to communities near Federal installations to defray the costs of schooling children of Federal employes.

Without some incentive system, the growth pattern in metropolitan areas—even allowing that more blacks will become wealthy enough to pay the suburban admission price—will reinforce the existing pattern of segregation by race and by income.

NEW TOWNS: CAN THEY WORK?

(By Edmund B. Lambeth, director of the Washington Reporting Program of the University of Missouri School of Journalism)

Writing two and a half years ago from Tarn House, Norwich, Vermont, H. Wentworth Eldredge, the Dartmouth urban scholar, looked at the near future of urban America:

"At the present, there seems little likelihood, under the American federal governmental system, of making the necessary synthesis of city development, new towns and comprehensive transportation thinking in a national planned system, by regions. . . .

"And yet on the other hand, lacking population control, some form of ordered expansion of urbanization cannot be far ahead and federal legislation to that effect seems to be just around the corner, resting heavily on private experience, as it should, in our very mixed economy."

Eldredge's forecast was nothing if not prescient.

Within the Nixon Administration, and in Congress as well, a "national urban policy" is increasingly regarded as an idea whose time has come. More specifically, the new town is winning favor as a concept that may do for the urban dilemma what the moon landing did for space exploration—supply a needed focus and furnish a symbol to stimulate commitment.

The idea of new towns fits well with what little accepted wisdom there is in the inchoate field of urban affairs. Demographers predict a population increase of 100 million by the year 2000, consuming some 18 million acres of land. The bulk of this growth will occur on the fringe of some 20 metropolitan areas. The new-town advocates ask: Need this growth replicate the urban sprawl of the 1950's, with its waste of land, diseconomies of scale, and disregard of social needs?

Within the next 10 years alone 26 million dwelling units will be needed. Can planned new towns help form the large markets required to give birth to a genuine mass-production housing industry in the United States? Many new-town advocates thinks so.

Politically, the climate for new towns, linked closely to a national urban policy, has never been better. Not the least of the reasons is that the idea is one of the few that the Johnson Administration declined to embrace.

President Nixon, in his population message, called the concept "stimulating." Vice President Spiro T. Agnew, unofficial poet laureate of the new town of Columbia, Maryland, has presided over a series of meetings on the subject attended by businessmen, Congressmen, bankers, labor leaders, and spokesmen for municipal governments. The President's Urban Affairs Council, of which Dr. Daniel Patrick Moynihan is executive secretary, has appointed a cabinet-level subcommittee on land use and new towns. The subcommittee, chaired by Secretary of Transportation John A. Volpe, is expected to confront the issue in depth this fall. A new-towns task force has been formed within Volpe's department, and Sherman Unger, the ambitious and alert general counsel of the Department of Housing and Urban Development, is taking a team of experts to Britain to study new-town financing and building techniques.

HUD's Assistant Secretary for Metropolitan Development, Samuel C. Jackson, has urged that states charter urban development corporations, which would give them the eminent-domain powers needed to assemble land for new communities.

To help assure their success, Jackson held open the possibility of direct loans to pay interest and other carrying charges, loans for capital investment, "and possibly even capital grants." Jackson's view is that the existing, modest program of federal assistance to new communities—which will guarantee debentures issued by builders in such communities—is probably not enough. "It is clear," he said, "that if the full range of potential benefits of new towns is to be realized, something more than the existing program is needed."

The precedent for Jackson's proposed state initiative is New York's Urban Development Corporation, a Rockefeller-created authority with power to override local zoning codes, condemn and assemble land, and sponsor the construction of houses, factories, schools and parks.

Headed by planner Edward J. Logue, late of Boston and New Haven, UDC will break ground next spring on a new town 12 miles northwest of Syracuse. Its population is expected to reach 16,000 in 10 years. A much bigger community will take shape under UDC auspices in Amherst, a Buffalo suburb that is the site of a new state university campus.

Several strategically placed Senators, Congressmen, Governors, and Mayors have put their signatures on a report called "The New City," which urges the creation, with federal assistance, of 100 new towns of 100,000 population and 10 with a population of one million.

The report, which includes several essays financed by the Ford Foundation, was sponsored by Urban America, Inc., and—more significantly—the U.S. Conference of Mayors, the National League of Cities, and the National Association of Counties. The municipal lobbies, adamantly opposed to new towns when the issue first came up in 1964, changed to support in 1967. Their stated reason is that, properly conceived and administered, new towns could relieve existing cities, particularly when it comes to the shortage of decent houses and jobs.

In the House of Representatives, one of the signers of "The New City" report, Thomas Ludlow Ashley (D-Ohio), persuaded Wright Patman (D-Tex.), chairman of the Banking and Currency Committee, to appoint a special ad hoc subcommittee on urban growth, of which Ashley is chairman. New towns will figure prominently in the hearings, which will attempt to massage the Congressional central nervous system enough to make "urban growth"—and thus new towns—an actionable issue.

But the average member of Congress is like the citizen he represents. Few have visited a new town and those who have would be hard pressed to define what one is.

By HUD's definition—a degree of self-sufficiency and a land area of at least 1,000 acres—there are only 64 new towns in America, 40 of them built in the last decade. They range in projected population from

10,000 (Joppatowne, in Hartford County, Maryland) to 600,000 (California City, in Kern County, California). Eighteen states have new towns but most are in the playland states of Arizona, Florida, and California.

By the most generous analysis, however, new towns built so far show little promise of relieving the American city of its unemployed or ill-housed. Even the widely praised Columbia, Maryland, built between Washington and Baltimore by developer James Rouse, makes no pretension of relieving the ghettos of either city. As Morton Hoppenfeld, Columbia's chief planner, candidly explains:

"Columbia was designed to be attractive to that majority segment of the population which is economically viable in the market. As a venture of private capital, Columbia will be unable to reach and affect some of the gut social problems of American urbanization."

Many developers, moreover, do not have the "patient" money available to Rouse. Thus Dale City, Virginia, where 2,500 families have bought homes in a planned "dream community," now finds itself barren of such promised amenities as golf courses, riding trails, and Olympic-sized swimming pools. In the words of Dale City's planner, who had hoped for a city of 80,000, the community now is "just like any other typical real estate development."

The problems facing a private new-town developer are formidable. He must assemble enough land, arrange financing that is patient enough to wait 10 years for a profit, and find management experts who are willing to risk their reputations on one of the most difficult of all real estate ventures.

The American new towns that have been able to meet all these conditions have been "flukes," that is, special exceptions that prove the grim rules.

The 12,000 acres on which Litchfield Park, Arizona (population 100,000), is rising had been owned intact by the Goodyear Tire & Rubber Co. since World War I days. Irvine, California, with 88 acres of debt-free land, is the inheritance of an old southern California ranch family. Few families have acreage on hand covering four times the land area of Manhattan.

Other new towns are built by big national corporations with ready cash. The Pennsylvania railroad found itself with money aplenty when forced under anti-trust laws to sell the Norfolk & Western Railroad. As a result, it bought Macco Realty—the developer of Porter Ranch in Los Angeles county and the owner of 100,000 acres in southern California.

Other big corporations enter the new-town business to push the sale of their products. Boise-Cascade, a lumber and timber company, has bought two home-building firms (Perma-Built Enterprises and U.S. Land Corporation) and is building resort communities near Cleveland, Chicago, Gary, Kansas City, and Fredericksburg, Virginia. Westinghouse is building Coral Springs, Florida (population 60,000), as an "urban laboratory" for its products. Walt Disney Productions, Inc., likewise is building a new community near Orlando, Florida, to introduce, test, and show off new technologies. Humble Oil Company had land, investment money as well as a product sales motive in mind when it began building Clear Lake City on 15,000 acres near Houston.

But other large companies, less favorably situated with respect to the key ingredients of the new-town business, have found the entry barriers formidable. General Electric dissolved its Community System Development division last February, after a two-year exploration of whether to enter the city-building business. GE concluded that the risk was too high and the profits too slow; it also found that low-cost land and special financing were too difficult to assemble. New communities on a large scale will not flourish, GE decided, until government agrees to help.

In view of the impending policy decisions on new towns in the federal government, GE's recommendations are worth quoting in some detail:

"It just makes sense that the power of eminent domain must be granted to private corporations or to state development corporations in order to assemble land in the right location and to take advantage of existing and planned public investment in highways, water works, sewage disposal facilities, airports, and railways.

"Perhaps something similar to urban renewal must be created, whereby land is assembled, master planned, zoned, and resold at a write-down to private builders by a local development authority.

"Tax restraint must be exercised to relieve the financial burden on the developer in the early stages; taxes can then be raised on a gradual basis after actual improvements are put in place.

"At the state level, legislation must be created that will permit the developer to retain a measure of control over planning, zoning, and community services for an agreed-upon development period, so that a dissident group cannot thwart financial planning or the very concept itself."

GE said it would maintain an "avid interest" in the city business and would re-enter it "under the proper combination of conditions"—meaning a federal subsidy similar to that for urban renewal. Its recommendations have the virtue of at least forcing the new-town advocates to face some of the harder questions.

What would the public gain in return for such a subsidy? An adequate supply of low-income housing? Why will new towns allow or encourage this when it has eluded new neighborhoods, city or suburban, for 30 years?

When the state or local development authority begins searching for tracts large enough for new towns, what will govern the price paid for the land? Will the big corporations now buying land as a hedge against inflation be given the benefit of price accrual due to the government's known plans for a new town?

If autonomous new towns are the goal, can it be assumed that industry and business will voluntarily locate there to provide jobs for the new residents? If not, what will have to be done to induce them to a new-town location? Why will a new town make an industrialist more willing to invest in jobless workers than a city location?

Significantly, the report sponsored by the municipal lobbies and Urban America, Inc., called for long-term loans or loan guarantees, rather than outright subsidies. Loans would defer repayment and interest for 15 years—which amounts to a substantial indirect subsidy. And no one familiar with the way federal "loan programs" begin can have much doubt that direct subsidies would evolve.

John Gunther, executive director of the U.S. Conference of Mayors, said in an interview that the mayors' switch on new towns was merely an attempt to be constructive.

"We kept getting asked about new towns in Congress and we didn't want to be negative. We've studied the matter now and we see positive advantages, provided that it's done right. We think the ideas in 'The New City' are the right ones. Our goal is to make existing cities as good an investment as new towns and to use new towns to solve some of our problems."

Although Gunther says that the 1967 riots did not cause the mayors' change of heart, it is clear that the violence made a ghetto-dispersal policy much more attractive to big-city governments. In any event, the advocates of new towns have already begun to anticipate opposition from black-power separatists who claim, or will claim, that new towns are an attempt by the white man to decimate black majorities before they form.

Arithmetic answers the separatists. Even if new towns were to become home for 10 million Negroes in the next 30 years—a prodigious accomplishment—black voting strength in the central cities would not appreciably diminish.

Perhaps more significantly, such influential black militants as Clarence Funnye, director of planning for the National Committee Against Discrimination in Housing, have spoken up forcefully against the separatists. The ghetto, Funnye insists, has the least land available for the kind of large-scale industry which could create new jobs. That land is in outlying areas. He advocates "deghettoization" via new towns and an aggressive open-occupancy program for the suburbs.

But aside from the expected opposition of some black separatists, the policies outlined in "The New City" have a remarkable unifying power. The proposed development corporations would not only be empowered to build new towns in the countryside, but also on the metropolitan fringe, within existing cities and around small rural towns that are either dying or failing in growth.

Even though new towns on the magnitude envisioned in "The New City" would accommodate only one-fifth of the nation's urban growth over the next 30 years, this is a substantial fraction. It is a fraction, moreover, that would drain away a commodity more scarce in America than land or mortgage money—urban management talent.

The excitement of a new town is real. To the urban developer, a new town is what forgiveness is to the sinner or town drunk: a fresh start spiritually, the opportunity to begin from scratch. The old town offers no such respite. As the Rand experts imported by Mayor John Lindsay learned, the cliché "problems of the cities" masks a reality even more severe than they thought.

Nathaniel A. Owings of San Francisco, principal in the architectural firm of Skidmore, Owings and Merrill, told a recent St. Louis symposium on new towns: "To my mind they are even immoral. . . . The new town is one of these illusions used to palliate the issues and get away from the problems."

And Edmund N. Bacon, the respected Philadelphia planner, added that the new town is "representative of the American propensity, when faced with a problem of changing the subject."

These criticisms are recognized by the more cautious exponents of new towns. Thus Paul Ylvisaker, a founder of the war on poverty and now Commissioner of New Jersey's Department of Community Affairs, told a Congressional committee:

"I've considered carefully the subconscious motives behind it (the new town idea). If we are to build new communities, and I hope we will, we ought to be clear about our own motivation, since the possible motives are several. . . .

"After all, there is an escapist tendency in new-town thinking which leads people to where there are, or seem to be, no confining parameters and no conventionalism; the politics are new, the land is clear, and even the zoning laws might be changed. The danger here is that needed resources and energies will be diverted from the problems of our cities.

"There are some caveats to the building of new towns, but there is more to the idea than escapism and there are ways of nourishing the new without starving the old. The effort to build new towns may be a cathartic in our present system. We may have reached a dead end in evolving an urban culture, at least in some respects.

"We must break loose the old and invent the new. We cannot rely entirely on the in-

cremental method to achieve the full measure of progress that is now necessary. Radical departures are called for, both in reshaping our old communities and in designing the new. Certainly the new town in this sense is a healthy concept and I am among those who welcome it."

If Ylvisaker's assessment is near the mark, several overriding questions face the Nixon administration.

Can it find or afford the money to fund a new-towns program on a scale large enough to influence the direction and character of urban growth?

If it can, will the now-fragile "new federalism" become strong enough to overcome the new town's inherent tendency to overpromise and underdeliver?

PROJECT SANGUINE

Mr. NELSON. Mr. President, with the ever-increasing pressures on the natural resources of this Nation, northern Wisconsin has found itself in a special position. The State's north country is still rich in thick forests, fertile farmland, clear trout streams and hidden lakes, and room for wildlife to flourish.

Wisconsin has taken special precautions to retain the unique nature of the north country and the resources of the State. But in spite of all the work and money the State has spent for recreation and conservation, Wisconsin is now faced by a unique threat—a communications weapon with the peculiar name of Project Sanguine.

With this communications device, planned to be the largest in the world, comes the potential for serious environmental damage to a substantial area in the northern half of Wisconsin. As planned, Project Sanguine will be an antenna grid made up of thousands of miles of cables buried some 5 feet underground, and extend under more than 20,000 square miles of Wisconsin fields, forests, and lakes. Underground transmitters, carrying massive amounts of electricity necessary to run the antenna, will create a unique electrical environment, expected to be felt in 26 northern counties.

After two special briefings with Navy officials, I still have not heard or seen any convincing arguments that would justify the construction of Project Sanguine. Even the Navy admits the potential hazards connected with transmitting extremely low frequency signals are great since very little is known about the frequency level and its effect on plant and animal life.

Unfortunately many people in the State have been misled that the billion dollar project will bring an economic boom to the north country. The fact is, however, that the Navy has conceded that when finished, the project will not employ more than 300 persons, mostly technicians.

What is most reprehensible, is the fact that the highly questionable and extremely expensive project is already in the first testing phase and Congress has never debated or discussed the serious questions that must be answered to determine if the project is justified as a feasible, necessary military weapon that is not a hazard or inconvenience to residents of the State.

It seems to be another in the long line of potentially dangerous military projects that could easily escalate into several billions of dollars without any adequate discussion. The Navy has estimated it could cost some $2 billion, but assurances that the Navy will insulate away the danger to the electrification of metal objects like fence lines and railroad tracks, could rapidly increase the cost.

Navy officials have traveled throughout the towns and villages of the State in a well-organized public relations campaign, showing movies, giving speeches, and attempting to convince the uneasy residents that the communications weapon is necessary and that the military will not build it if it is harmful to people, fish, or wildlife.

Those assurances seem highly questionable, when the same Navy officials discount voltage running through miles of fence lines by offering plans to mitigate or insulate every strand to safe, nonhazardous levels.

They also say the currents will not have any effects on earthworms and have commissioned a $175,000 study at the Falls Church Hazelton Laboratories. Earthworms and other organisms are vital to living, productive soil.

It is absurd to think that the long-range effects on humans, wildlife, domestic animals, and plant life living in the range of the system can be learned from a 1-year $175,000 study.

Several objections must be adequately resolved before I will ever consider supporting the project in any way. If they are not resolved I will stand against the project and seek support in Congress for that stand.

It seems strange that Congress and the Wisconsin State officials were told nothing about what the Navy was planning for the Chequamegon National Forest area until people in the tiny community of Clam Lake became curious about what kind of construction was going on in the woods as work began on the testing phase.

In the meantime, some $50 million has been appropriated and about half that amount spent. Congress spent several months this year debating the deployment of an anti-ballistic-missile system. Why cannot time be set aside for Congress to discuss the hazards, necessity, feasibility, and arms race escalation potential of Project Sanguine?

All possible hazards to people living in the area and the inconveniences to them must be carefully evaluated. This includes the inconvenience to farmers who must contact the Navy before building or changing fence lines to protect against voltage buildups in the wires; the elimination of hazards to children and hunters who might be severely injured when coming in contact with a metal fence line or object somebody forgot to mitigate; and the elimination of all possible interference with telephones, radios, televisions, and other electrical appliances. At one small testing site with extremely low frequency waves telephones were set off and began ringing.

Clearly, no system can be installed in northern Wisconsin until it is unquestionably resolved that the system will not endanger the wildlife and natural ecology of the area's farm and forest land.

Even after all the testing is finished and the Navy and the Department of Defense has issued its assurances, an independent group of scientists, with no connection with the military, must evaluate all studies and review and make recommendations before further expenditures or construction takes the slightest movement toward completion.

The Navy has argued that it needs the antenna system because it would give the United States an almost unjammable communications system and an ability to radio deep running Polaris submarines. Almost unjammable does not mean much when it is known that an enemy Project Sanguine could jam the American Sanguine.

The Navy further argues that it presently is unable to radio commands to a submarine unless it comes to periscope depth. This is considered dangerous and the Navy contends that it hinders the Nation's retaliatory power and threatens national security.

It seems that every expensive military system, no matter how questionable or how dangerous it is to the American people, it is supposedly designed to defend, comes with the same worn argument—it is retaliatory and insures national security.

Some critics have noted, however, that Sanguine could be much more an offensive weapon than a defensive one. It has even been called a "doomsday machine" by some observers.

That criticism is not without validity when it is considered that one impulse command could set off a rain of nuclear Polaris missiles that could easily destroy an enemy.

The cynical doomsday capacity of the communications weapon is that if all other communications systems and defensive missile systems were knocked out by an enemy attack, Sanguine would remain. The Navy contends it would be too widespread in land area to knock out and would be a waste of enemy missiles. So if all else goes, Sanguine could be the vengeful hand from the grave that with a last gasp, pushes the final button to unleash the last firey revenge of deadly missiles fired from submarines hidden in the depths of the ocean.

The questions are too numerous for Congress to ignore any longer. I ask unanimous consent that several articles about the proposed project that is in the first phase of construction and testing be printed in the RECORD.

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

[From the New York Times, Oct. 14, 1969]

CONTROVERSY AND ANTENNAS GROW IN WISCONSIN FORESTS

(By Anthony Ripley)

CLAM LAKE, WIS.—There is a strange and mighty visitor stirring in the vivid autumn woods four miles south of here.

It is the United States Navy and, depending on one's point of view, the Navy is going to turn the northern Wisconsin forests into either the world's biggest "electric chair" or a "world peace center."

These are the most emotional descriptions yet in a growing public debate over Project Sanguine, once such a highly classified matter that the Navy even stamped newspaper clippings on the subject "secret."

Beginning last fall and working through the winter, the Navy has installed one of the world's largest radio transmitters four miles south of Clam Lake, a settlement of 75 persons in the Chequamegon National Forest.

2.4 MILLION WATTS

Two 14-mile-long antennas, crossing in the middle, stretch out along 30-foot swaths cut into the forest. The antennas hang from heavy-duty utility poles and are capable of sending a powerful, low-frequency radio signal around the world.

The average toaster operates at 1,000 watts and the largest commercial AM radio stations in the nation are limited to 50,000 watts. The Clam Lake transmitter can put out 2.4 million watts.

Such current thrown into the air electrifies metal objects nearby and can upset telephones, television and household lighting.

Ultrahigh frequencies can have physical effects on man, animals and plants. The Navy plans to use ultralow frequencies where little is known about side effects because such radio waves have been little more than a laboratory curiosity in the past.

ONE-WAY TRANSMITTER

But Navy spokesmen say this curiosity can be made into a one-way transmitter. Although incapable of sending a human voice, it can slowly transmit coded signals in the 40-cycle to 80-cycle range that are practically unjammable.

The spokesmen have indicated that "hot line" messages from the White House or Pentagon could order signals from such a transmitter to Polaris submarines that cruise the world's oceans with nuclear missiles. Because of the long wavelengths, the signals penetrate the ocean water to great depths and the submarines will not have to surface for instructions.

If four to six years of testing with single transmitters go well and the giant antennas do not cause too many electrical problems in the forests and homes nearby, the Navy plans to install a gigantic underground grid of cables and transmitter stations that could cover most of northern Wisconsin.

THREAT TO WILDLIFE

Those who regard Sanguine as "an electric chair" believe its tremendous size and currents will drive away game and fish, electrifying everything in sight. And they think the project is an escalation of the arms race.

"World peace center" believers feel that the project will help guarantee peace through power, that the Navy can take care of any electrical problems and that the whole thing will help the region's depressed economy.

At Clam Lake, few are sure yet what the project means.

When the Office of Economic Opportunity opened a Job Corps center near Clam Lake, there was strong opposition initially. But the arguments died out when it was discovered that jobs and income were there for local residents. The Job Corps center is now closed.

Louis Hanson, a former State Democratic chairman, lives in Mellen, Wis., with his wife, Camilla, the former Mrs. Theodore C. Sorensen, and her three sons. He works as home assistant to Senator Gaylord Nelson, a Democrat, and thinks that Sanguine borders on insanity.

In July and August of 1968, when the Navy announced it, Senator Nelson began wondering when he had ever voted for such a project, Mr. Hanson said. "So he called an admiral and he came over with another man who had a briefcase shackled to his wrist.

"They opened the briefcase and it had newspaper articles in it stamped secret. That caused a little stir at the time. They don't do it anymore."

Mr. Hanson said the first appropriations had been voted in 1958 as part of a general Navy research and development program. Since then, at least $28-million has been spent on the project.

Northern Wisconsin was chosen as the site because of an ancient rock formation, the Laurentian Shield, which is dry and nonconductive, providing a base that will not cause heavy losses of current along the huge antennas.

The Laurentian Shield extends through 26 counties in Northern Wisconsin, Mr. Hanson said. These counties make up 41 per cent of the state and contain about a million persons.

He added that the final antenna grid might be as big 150 miles wide and 150 miles long, with 240 transmitters, and would cost from $2-billion to $10-billion.

The Navy maintains that there are no final figures on how big or costly the project might be because it is still in an early test phase. Although a number of conflicting figures have been published, they have no substance, according to John Hennessey, Public Congressional Affairs Officer for the Naval electronic systems command in Washington.

The first Sanguine experiments were conducted on a mountain top in 1962 in Southwestern Virginia and North Carolina, Mr. Hennessey said in an interview. The experiments caused some telephone and electric difficulties near Mount Airy, N.C., but the Navy said these were solved and the transmitter there was still in use.

Although confident that most of the electrical side effects in Wisconsin can be "mitigated," the Navy added a series of tests on plants and animals when protests grew. A study was ordered from Hazleton Laboratories, Inc., of Falls Church, Va., but it only added to the controversy.

In its proposal for the study, the laboratory noted:

"It has been shown that there can be pronounced effects on the longevity, body weight, growth, behavior, central nervous system, reproduction, etc., in animals as well as effects on plant development from ultrahigh frequencies."

In the low frequency ranges, the proposal added, little work has been done although "there may be some effect on sperm production," according to a study done in 1967.

POSSIBLE EFFECTS

"The antenna will be enormous and, therefore, many people, domestic and farm animals, fish, insects, earthworms, birds and indigenous plant life will all be exposed to its fields for very long periods of time unless they are killed by it, are removed, or in the case of free-ranging animals, are driven out by noxious effects. Of course, it may be that the fields will be totally benign."

Opposition has boiled up, mostly in the Democratic party and among conservationists.

A Stop Sanguine Committee has been organized by Kent D. Shiffert, a history instructor at Northland College in Ashland. The state Democratic party has passed a resolution arguing for more studies on environmental effects. Senator Nelson has branded the Hazleton study as "totally inadequate."

One of the Sanguine's prime defenders has been Representative Alvin E. O'Konski, a Republican, whose district includes the Sanguine area.

When the Navy scheduled a meeting last July to explain things to Ashland County officials, the county's New Democratic Coalition urged the public to attend in a mocking advertisement in The Ashland Daily Press that read in part:

"Hear the genuine Navy captain talk about the world's biggest electric chair. Caution! Asking questions that embarrass the Navy may be unpatriotic."

The meeting was stormy but the Navy prevailed.

William R. Hayford of Camden, N.J., an engineer who is site manager at Clam Lake for the RCA Corporation, a major contractor, said the test facility was designed to answer all the questions raised.

"We've got to convince people we're not guessing," Mr. Hayford said.

"These people are asking honest and fair questions and they have to be answered and they will be and that's why we're here."

Mr. Hennessey, the Navy spokesman, said the final Sanguine system would have to be "survivable" after an atomic attack.

In military jargon, survivability is determined by four factors: dispersion (how widely it is spread out), redundancy (having a large number of similar installations), hardness (keeping it in a safe place, such as underground) and mobility.

Mr. Hennessey said Sanguine would meet three of the four requirements.

He described the project as an "adjunct" to existing communications systems and said it was not totally protected from enemy jamming. Any radio signal can be jammed by building a larger, more powerful transmitter and overwhelming the old signal.

Mr. Hennessey emphasized that the Navy was not going ahead with Sanguine unless all problems could be "mitigated."

"Either Sanguine is compatible with its environment or we don't build it," he said.

Last summer, in Park Falls, Wis., protesters put up a picture of an electric chair on a rented billboard with the legend, "Project Sanguine—Shocking, Isn't It?"

Within 24 hours the sign was smeared with paint and someone had written, "Go Navy."

[From the Washington Post, Oct. 12, 1969]

FOREST IN WISCONSIN WIRED FOR DOOMSDAY

(By George C. Wilson)

CLAM LAKE, WIS., October 11.—The Navy in the wondrous North Woods just outside this cross-roads of a town is wiring Wisconsin for Doomsday.

The idea—named Project Sanguine—is to bury a backup nuclear "button" in the forest floor in case other communications are knocked out by enemy H-bombs.

If Sanguine goes all the way—it is in the test stage now—the button would be in the form of a huge grid of underground wires covering up to one-third of the State of Wisconsin.

The longest radio waves ever produced by man would be sent out of the grid—a huge underground sending antenna—and reach Polaris submarines hidden in the ocean depths. The Sanguine signal could be the one ordering the subs to fire their missiles.

Many conservationists, biologists and others view the whole project with utter horror. They fear timber will be slashed, trout streams silted and animals and plants hurt or killed by the electric currents which the Navy admits will leak out of the Sanguine system.

The opposition is becoming increasingly vocal. It is similar in tone, though not yet volume, to that which prompted President Nixon to relocate the Safeguard anti-ballistic missile system.

"It's too high a price to pay," Kent D. Schiffert, chairman of the State Committee to Stop Sanguine, said of the Navy insurance scheme for war communication.

Schiffert, a history instructor at Northland College in Ashland, Wis., plans to meet with committee leaders today to see how Sanguine can be blocked in the courts.

Sen. Gaylord Nelson (D.-Wis.), opposing Sanguine from the Washington end, said Congress has never taken a good look at the project to see if it is needed. He has been briefed by the Navy on Sanguine and estimates its eventual cost at $2 billion.

"The Navy admits," Nelson said, "that the network will give off electrical currents that will affect some 26 counties in the North

Country . . . Thousands of miles of Wisconsin farm and forest will be dug up to install some 6,000 miles of cable under the ground over a 25,000-square-mile area . . . There has been no debate in Congress to prove that, even if the system will work, it is a necessary or a justifiable expense."

The Navy, in explaining Sanguine to people in Wisconsin, states that "the purpose of the test facility" at Clam Lake "is not to demonstrate the feasibility or the effectiveness of the communications technique involved. That has already been demonstrated.

"But before such a facility is constructed," the Navy continues, "we are going to show you, not tell you, that the facility will not adversely affect the area." The Navy has built what it calls an "interference mitigation laboratory" to keep electrical currents from Sanguine from disrupting the area.

After the Clam Lake demonstration, the Navy intends to move south to Park Falls, Wis., to conduct more experiments. This will mean more digging and building—regarded as a boon by job hungry residents and a bane by the concerned conservationists. So far, about $27 million of a $50 million set aside for Sanguine has been spent.

Official Navy press releases steer clear of the Doomsday nature of Sanguine. The "fact sheet" on the project states that "Sanguine calls for the development of a single transmitter complex located in the United States that could provide communications with forces deployed worldwide."

The unmentioned fact that Sanguine is another nuclear button comes through clearly only in the explanations given at Sanguine's fenced-in command post here in the breath-takingly beautiful Chequamegon National Forest.

A "POST-ATTACK" CENTER

W. R. Hayford, site manager for RCA, which got the contract to run the test, said in an interview that Sanguine "is a post-attack communications system." He added that the American forces could only receive the signal—not talk back to Sanguine.

To the person standing on the ground over Sanguine's long electrical cables, the setting seems all wrong for a Strangelove system. White birches lean over the 30-foot-wide rights-of-way the Navy has cut through miles of forest. Spruce trees can be heard whispering in the quiet of the forest. And other tree tops are aflame with the reds, golds and oranges of autumn. A ruffed grouse stood a little way down the road pecking up gravel—his form of teeth.

Why here? Why here of all places? It turns out that the military believes upper Wisconsin is the only place in the world where the Sanguine electronic trick can be performed well. The reason is the peculiar properties of the rock shield running underneath the swampy ground of this forest and the rolling farm land outside it.

Called the Laurentian Shield, the rock is about two billion years old and extremely dry. It lies under the upper third of Wisconsin. The dryness means that electrical currents will not move through it easily. The rock acts like a huge insulator. Electrical current in the Sanguine sending antenna, because of this rock insulator, would not be drawn off deep into the earth at those places where the system is grounded. The rock, as Hayford explained it, assures maximum sending power for the giant Sanguine antenna.

To send out an extremely low-frequency radio wave, which is thousands of miles long, the sending antenna itself must also be thousands of miles long—much too big to be put on a ship or plane.

The required length of antenna, the Navy believes, can be achieved through criss-crossing wires over the thousands of square miles of the Laurentian Shield. The resulting signals would go from Wisconsin around the world.

GLOBULAR CAVITY

The cavity formed between the earth and the ionosphere is known as the Schumann cavity after W. O. Schumann, the German scientist who explored its possibilities for radio work. Extremely low-frequency signals going through this cavity, according to scientists, will remain strong as they go around the world. They cannot be jammed.

Also, the longer a radio wave is the deeper it penetrates water. Therefore, a long wave from Sanguine could get down to American Polaris submarines hiding in the ocean depths. They have to come near the surface to communicate now—a real danger in wartime where survival depends on stealth.

Hayford said Sanguine will generate radio signals of 40 to 80 cycles per second—called Hertzes. One unofficial calculation is that a signal of 100 Hertz—a much longer radio wave than any in use today—would penetrate 400 feet into the water.

If that calculation is correct, Sanguine could mean making American Polaris submarines less vulnerable to detection and attack in a war. Their mission is to clobber any nation which attacks the United States first. Sanguine, then, could be linked by its supporters to the credibility of the American deterrent to anyone contemplating nuclear war.

NOT A PRIME TARGET

Looking at that proposition from another angle, an operational Sanguine system (it is not operational at present) could be a target for enemy H-bombs. Navy leaders concede Sanguine could become a target but doubt the spread out system would ever be a prime one. The existing command and control centers for launching American ICBMs are considered prime targets. Weapons leaders long have feared that nuclear effects in a war would black out those systems.

The Sanguine fight at the moment is focused not on such longer-range strategic questions, but on what a vast communication system would do to Wisconsin's countryside.

The Sanguine antenna now in existence consists of two 14-mile-long stretches of wires which intersect at the middle to form a cross. There is a transmitter at the intersection.

If Sanguine went all the way, such crosses would be repeated over and over again until there was a gigantic grid over the Laurentian Shield in upper Wisconsin.

The present test site has the antenna wires strung above the ground on telephone poles. In the next construction phase at Park Falls and thereafter, the sanguine wires will be buried in the ground.

The Navy asserts that the wires will be buried with surgical precision so the land above them can be restored to its former use, including farming. Only "scattered two-acre sites," the Naval Electronic Systems Command states, would be needed for the transmitters.

"There will be no need to denude large areas of forest land or cut wide swaths through the forest," the Navy contends.

BIOLOGICAL EFFECTS

As for how the electrical currents going out from Sanguine will affect animal life and plants, the Navy has awarded a contract to Hazleton Laboratories of Falls Church, Va., to assess such dangers.

Schiffert said "the whole Hazleton contract is a smokescreen to quiet the conservationists." He said Hazleton is too heavily dependent on military work to do an objective analysis and that the study contemplated will not cover enough of the animals and plants in the range of Sanguine's currents.

Lowell Klessig, an environmental science specialist, active in the Stop Sanguine committee, said, "Every biologist knows that the nervous system and other biological processes operate on the principle of internal electrical fields. To put an organism in an external electrical field, such as is proposed by the Navy in Sanguine, may very well alter these processes. . . .

"The electromagnetic field may even influence the guidance system of migratory birds, such as ducks and geese, and cause them to lose or change their fly-way patterns," Klessig said.

The Sanguine test site falls in the congressional district of Rep. Alvin E. O'Konski (R.-Wis.) who sees the project as an economic lift to the area and argues that the Navy should be allowed to complete the phase now under way.

[From Popular Science, Sept. 1969]

ELF: How We'll Broadcast With "Mystery" Radio Waves

(By Kevin V. Brown)

The U.S. Navy is planning to build the world's largest transmitting antenna—a gargantuan, highly electrified underground grid that will sprawl across some 21,000 square miles of northern Wisconsin. The plan, code-named Project Sanguine, is cloaked in secrecy and controversy, yet this much is clear: Sanguine is a tremendous breakthrough in communications.

It will use Extremely Low Frequency (ELF) radio waves never before tapped to provide global coverage from a single source, enabling the Navy to send unjammable signals to ships, planes, and shore stations without relays. And for the first time, nuclear subs in hundreds of feet of water will not have to surface to receive messages.

Although many details of Sanguine's design are secret, enough is known to have aroused the fears and protests of some Wisconsinites. They claim Sanguine will mean the uprooting and electrifying of a third of the state, resulting in the loss of wildlife and forest land, disruption of telephone service—even danger to human beings.

What is the truth about Sanguine? How will it work? Why should a Navy communications system be set in the middle of the country? What perils does it pose?

Much utterly fallacious information has appeared in the popular press—even in some technical journals. Here, as far as we have been able to determine, are the facts.

The story of Sanguine begins during World War I, when German agents tried to intercept telephone conversations between French army commanders by sticking electrodes in the ground. The noise they encountered was so great that electronics experts were called in to identify and eliminate the source of the mysterious interference.

The noises were identified easily enough as being generated by electrical storms, some very distant. But almost accidentally, the investigators discovered a strange phenomenon. The low-frequency noise had a peculiarly strong resonance—an energy peak—at seven Hz (cycles per second). But the German experts thought this an interesting curiosity without practical value, and turned to other things.

No one could blame them. Communications scientists were then experimenting with higher and higher frequencies. The higher the frequency, the shorter the wavelength (and vice versa). And the size of the transmitting antenna varies directly with the wavelength. So higher frequencies brought the payoff smaller antennas. To produce ELF waves, the longest of all radio waves, would require the largest antenna ever conceived.

There was also the question of attenuation—loss of signal power with distance traveled. Experiments had revealed that the frequency least attenuated was around 10,000 Hz. Below that frequency, the attenuation curve started back up sharply. No one bothered checking it below 3,000 Hz because it

seemed logical that attenuation would keep on increasing as the frequency dropped.

No wonder then, that interest in the ELF resonance phenomenon lay dormant for decades.

Then along came W. O. Schumann. An eminent German scientist, Schumann conducted in the physics of the atmosphere, and came to a remarkable conclusion:

The earth and the ionosphere formed the boundaries of a spherical resonant cavity, with a fundamental resonant frequency of about seven Hz. The earth is nearly 25,000 miles around. Radio waves, which travel at some 186,000 miles a second, would therefore travel around the earth in this cavity seven times per second. If the waves had a matching frequency—seven Hz—and were broadcast from a single source, they would round the earth and meet exactly in phase. The result: a reinforcement, or resonance.

Schumann published the results of his findings in a series of scientific papers beginning in 1952. Other scientists picked up the cue and expanded Schumann's original findings. Among other things, they established that the Schumann cavity had a series of resonances beginning at seven Hz and continuing in increments of six or seven.

They also finished plotting the attenuation curve and found that it did not go up indefinitely below 3,000 Hz, but, in fact, turned down again and headed back toward zero with lower frequencies. Below 100 Hz, they learned, the attenuation would be almost negligible, even better than above 10,000 Hz!

In other words, frequencies below 100 Hz could be used to signal around the world, using the Schumann cavity, with almost no attenuation.

BIG ANTENNA A PROBLEM

Even so, many scientists were still skeptical about ELF. One of them concluded pessimistically, "Unfortunately for communication applications, the problem of building a large enough transmission antenna appears insurmountable." To be efficient, an antenna must at least approach in size the wavelength it is to transmit. ELF waves are thousands of miles long.

The U.S. Navy was not so pessimistic. For ELF could yield not only a one-source global communications system, but also the ability to signal nuclear submarines underwater. The reason is that the lower the frequency, the deeper in water a radio signal will go. At 10,000 Hz, the signal delves only about 40 feet beneath the surface. But at 100 Hz, the depth is 400 feet, and seven Hz, 1,500 feet! The ability of a sub to receive information without having to surface is obviously of vital strategic importance.

So, about 10 years ago, the Navy and some of its civilian contractors, notably RCA and Westinghouse, went to work on the problem of building an antenna big enough for ELF. And someone, somewhere, came up with an ingenious idea, which led to Project Sanguine being sited in Wisconsin.

THE IDEA?

Take advantage of the fact that much of northern Wisconsin sits on a huge chunk of some of the oldest rock in the world.

This rock, the tip of a much larger formation called the Laurentian Shield, is more than two billion years old. It is therefore extremely dry. This gives it the lowest conductivity of any rock on earth.

What has all this to do with Sanguine?

Suppose you form an antenna from a wire by passing current through it and grounding it at both ends. The electricity seeks to complete a circuit by returning from one end of the wire to the other through the ground. How far this current actually penetrates the earth is called the *skin depth*. The lower the conductivity, the deeper the current penetrates. In moist earth, the current travels practically at the surface. But in the bone-dry bedrock of the Laurentian Shield, the skin depth can be 10 to 20 miles! And if your wire is a cable 100 miles long, the result is a whopper of a loop antenna.

Let's carry the thought process of our ingenious antenna designer a bit further. A 100-by-20-mile loop antenna is impressive, but it would be a lot more effective if it had many turns. Because the ground is common, the turns can't be connected in series. But they can be parallel-connected, by crisscrossing the cables.

And here again, the vast extent of the ancient rock plays its role. If the Navy utilizes all of it, they will form a grid 150 miles wide and 140 miles long, covering almost the upper third of Wisconsin. Cables would intersect at six-mile intervals, with a transmitter at each intersection—perhaps 240 in all. The cables would be buried about six feet underground, not, as some journalists have suggested to transmit signals through the earth, but simply to get the wires out of harm's way.

Result? The enormous mesh of cable grounded in an enormous expanse of ancient rock add up to Sanguine—largest antenna ever designed.

To some residents of Wisconsin, however, Sanguine is not an exciting scientific success story, but a threat. They are wondering what it might do to them, their land, and their wildlife after it has been installed.

PROBLEMS TO BE SOLVED

The Navy admits that some problems might arise in a venture of such tremendous scale. But they emphasize that the problems are basically no different, except in extent, from those encountered (and solved) by civilian power and utility companies. If it appears from preliminary tests that they cannot be overcome, the Navy insists, Project Sanguine will simply not be built.

This is the Navy's schedule. It has already built one transmitting antenna, two crisscrossed cables of about 14 miles each, near Clam Lake, Wis., in the Chequamegon National Forest—federally owned land. The cables are strung on poles above ground with a transmitting station at the intersection. This complex will be used for a test program "to develop and perfect techniques and devices for reducing induced electrical interference to noninterference levels."

If this initial test is successful, the Navy will move on to the next phase, burying more and longer cables in the ground near Park Falls, Wis., southeast of Clam Lake, and conducting still more tests. If the Navy is convinced they have solved all the problems, it will go ahead and build the whole system. Although the Navy won't say how much current will flow through the final system, the cables in the interference tests will handle a hefty jolt of several hundred amperes. In previous pilot tests in another states, the large currents electrified fences, rang telephone bells, disrupted communications, and generally gave people the willies.

Here are some of the problems the Navy will consider, from the top down:

AIR NAVIGATION

Will Sanguine interfere with existing air navigation facilities? Very unlikely; most of them operate in much higher frequency ranges.

POWER LINES

Here, Sanguine is definitely a problem. The ELF signals of Sanguine—below 100 Hz—could induce currents that would play hob with 60-Hz household electricity. Results might be flickering lights, TV picture hash, tripping circuit breakers. The solution is to convert to balanced power lines, which are much less susceptible to induced currents than unbalanced ones.

TELEPHONE LINES

The currents that ring the telephone usually operate below 100 Hz; those that carry voice transmissions operate roughly from 200 Hz to 3,000 Hz. Induced currents could ring the telephones when no one was calling, and cause buzzing and other noise to interfere with conversation.

The solution is one the Bell Telephone system has been using for years to rid its lines of unwanted current—installing neutralizing transformers.

RAILROAD SIGNALS

Induced currents could turn signals on when no trains were coming or going, or turn the wrong ones on when they were. Fortunately, railroads in the Sanguine area use mostly balanced circuits already, so would not have to be changed to protect them.

METAL FENCES

If a metal fence, with metal poles stuck in the ground, runs for any length—say a mile or more—parallel to a power line, it can carry an induced current, and may be dangerous.

The Navy will ask permission of the owner of any such fence to chop it into shorter segments, then hook it together again with insulating materials, cutting the closed loop.

ANIMAL AND PLANT LIFE

Could underground currents endanger plants and animals? The Navy will explore Sanguine's possible biological hazards, using plants and animals native to the area.

CONSERVATION

Will the very act of installing Sanguine destroy the natural beauty of the area? Sanguine is in the heart of Wisconsin's northwoods, a popular tourist area. Many residents worry that all the digging will tear up the scenery, erode the soil, and sully the many attractive lakes and streams.

The Navy replies that it will use digging methods successfully employed by the utilities. The cables will be buried in trenches, then covered over immediately; the only thing to show above ground will be the transmitter buildings.

CABLE TELEVISION

CATV, or cable television, uses a master antenna for a whole community, and feeds TV signals to homes of subscribers via cables susceptible to induced currents.

The solution appears simple. CATV systems employ booster amplifiers at various intervals. Interrupting the outer shield of the coaxial cable with capacitor couplings at the amplifier stations, would break up the closed loops.

The Navy is confident it can overcome these hurdles, and has planned to spend the next four years running tests to prove it. Then, and only then, will the world's largest antenna be buried, and come to life.

NATIONAL BUSINESS WOMEN'S WEEK

Mr. PEARSON. Mr. President, this week, October 19 through October 25, the 3,800 business and professional women's clubs of our Nation are observing National Business Women's Week. In my State of Kansas, there are 129 such clubs with a total membership of 6,271 business and professional women, as of June 30, 1969.

The yearly tribute, first observed in 1928, spotlights the responsibilities and achievements of women in business and the professions. It gives the individual clubs and State federations an opportunity to focus the attention of their communities on the tremendous contribution made by women in all phases of economic, social, cultural, business, and professional life.

The National Federation of Business and Professional Women's Clubs, Inc., was founded in 1919 as an outgrowth of

the previous year's meeting of the War Work Council of the YWCA. Desiring to adopt a broader peacetime program, the federation was incorporated in 1921. Its headquarters are at 2012 Massachusetts Avenue, NW., Washington, D.C. Today, the national federation has a membership over 180,000 women, and membership is open to all women who are actively engaged in business or the professions, upon invitation from a local club.

The national federation is a nonprofit, nonsectarian, nonpartisan association which has as its stated objectives the following:

To elevate the standards for women in business and in the professions.

To promote the interests of business and professional women.

To bring about a spirit of cooperation among business and professional women of the United States.

To extend opportunities to business and professional women through education along lines of industrial, scientific, and vocational activities.

During the past summer, the golden anniversary convention of the national federation was held in St. Louis, Mo. This, of course, was an occasion to look back upon what the NFBPW was at its beginning 50 years ago. I quote from one of the speakers at this golden anniversary convention:

When the opening (1919) meeting was over, we did not have a single club that had joined this Federation, Not one cent in the treasury, nor any assured source to obtain it.

Immediately the success of this new venture by business women throughout the country was evident. When we look at what they accomplished in 1 short year before their second meeting in 1920, there is no reason to be amazed at what they have accomplished in 50 years. Again, I quote:

By our second (1920) convention, we had overshot a goal of 100 clubs—bringing in 287 in 47 States; 28 State Federations; an executive office, a monthly magazine.

Although I shall not take time to read this long and impressive list of legislative proposals sponsored—and, in most cases, successfully sponsored—by the NFBPW over the past 50 years, I ask unanimous consent that it be printed at this point in the RECORD.

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

Year 1919–20: Successfully endorsed permanent establishment of Women's Bureau, continuation Children's Bureau; creation Federal Employment Service.

Year 1921: Successfully supported the Sheppard-Towner Act giving funds for maternal and child welfare and the Cable Act (and amendment till 1934) granting married women citizenship status independent of their husbands.

Year 1923: Supported the amendment to the Smith-Hughes Act placing Home Economics in vocational training which passed as well as the Bell Act creating the National Federal Department of Social Hygiene. Also sponsored the first legislative tax bill ever introduced in Congress by women—to increase personal exemption for single persons—still on the agenda today. Began long and dedicated support for federal aid to education without federal control (goal more than achieved in legislation aiding education since 1958). Endorsed Child Labor Amendment to protect children—failed to pass in the states but gradually enacted by most states and the federal government in other laws.

Year 1937: Secured repeal of a section of the National Economy Act which provided in labor reductions for dismissal of an employed wife (govt.) of a government employee. Sponsored Equal Rights Amendment. Urges states to work for equal jury rights for men and women.

Year 1940: Urged amendment (later achieved) of social security laws to provide for dependent widowers and children under 18.

Year 1942: Began urging legislation to permit women jurors to serve on federal courts (fully achieved 16 years later—Federal Jury Selection Act).

Year 1944: Successfully supported legislation to establish the Women's Armed Services on a permanent basis with the same rank and pay as men. (The final step was achieved in 1967 when President Johnson signed bill giving women in the armed services equal opportunity promotion).

Year 1950: Allowance of an income tax reduction to an employed person for costs of care of dependent because of said employment (now part of the Internal Revenue Code).

Year 1956: Successfully supported the double income tax exemption for taxpayers over 65 and blind. Opposed lower retirement age for women. This passed, but in 1961 men were enabled to take the lower age of 62 also.

Year 1963: Support for equal pay for equal work goes back to 1920. Since the 1940's it had been a special legislative effort. Passed in 1963.

Years 1963–67: Originated the idea for and helped organize State Status of Women Commission. All 50 States plus the District of Columbia, the Virgin Islands, Puerto Rico and two municipalities had created these special groups to study problems of women by late 1967.

Year 1964: The Civil Rights Act of that year contained a Title VII which prohibits employment discrimination of all kinds, including sex. The Equal Employment Opportunity Commission was set up to enforce this provision.

Year 1965: Section 165 of the Revised Statutes, allowing discrimination against women in government positions, was repealed after strenuous efforts by BPW.

Year 1967: Women in Armed Services bill (See 1944). BPW urged and succeeded in getting the word "sex" added to the discriminations prohibited by the Federal Government when President Johnson issued Executive Order 11375 prohibiting discrimination against women in government or by government contractors. The Office of Federal Contract Compliance oversees compliance with this order by all the agencies of the government. Civil Service Commission required each agency to establish "a positive, continuing program to develop and promote equal opportunity without regard to sex."

Year 1968: BPW's much desired legislative goal was achieved with passage of the Federal Jury Selection and Service Act of 1968, requiring selection of federal jurors without consideration to race, color, religion, sex, etc.

Mr. PEARSON. Mr. President, I will make one other point: To remind all of my colleagues on both sides of the Senate aisle that, if they ever doubt the contribution that women have made and are making to the business and professional world of this country, then take a few moments to reflect on just where they would be in carrying out their duties as Senators of their respective States without them.

Woman power has long been a very precious and necessary commodity in political campaigns. And no congressional office could be run without the skills and talents of the women employed in them. In fact, it has often been said in the public service field that one should never send a boy on a man's errand, he should send a woman.

So, it gives me great pleasure to salute today the National Federation of Business and Professional Women during National Business Women's Week and to include in that salute all other women throughout the country who are making contributions to the world of business by their inclusion in the work force of this Nation.

THE BIG THICKET IS DISAPPEARING: A NATIONAL PARK NEEDED NOW

Mr. YARBOROUGH. Mr. President, the ADA World for October contains a penetrating article on the crisis confronting one of this Nation's last great wilderness areas—the Big Thicket of southeast Texas.

At one time the Big Thicket extended over 3.5 million acres. Today, however, the Big Thicket has been reduced to 300,000 acres by the operators of the lumber and real estate industries. Unless something is done soon to stop the exploitation of the Big Thicket, this beautiful and unique wilderness will be lost forever.

To save the Big Thicket, I have introduced S. 4, which would create a 100,000-acre Big Thicket National Park. This bill has gained wide support from civic and conservation groups throughout the United States. If, however, this natural wonderland is to be preserved, we must act now.

Mr. President, I ask unanimous consent that the article entitled "The Big Thicket: A Chronicle of Destruction," written by Pete Gunter, and published in the October 1969, issue of ADA World be printed in the RECORD.

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

THE BIG THICKET: A CHRONICLE OF DESTRUCTION

(By Pete Gunter)

(NOTE.—Pete Gunter, for several years on the faculty of the University of Tennessee, this year joined North Texas State University as chairman of the department of philosophy. A long-time conservationist, he has contributed several articles on the Big Thicket of Texas to the Texas Observer, from which this Chronicle is reprinted with permission.)

Once upon a time the Big Thicket sprawled in a rough triangle from Beaumont, Texas, north almost to Shreveport and west to near Houston, encompassing three and one-half million acres of lushly vegetated, varied terrain, from piney hills and trout-filled creeks in the north to cane brakes, cypress swamps, palmetto jungles in the south. Within its dim, vine-laced recesses bear and panther foraged, squatters, Indians and escaped prisoners lived isolated, forgotten lives. As late as 1938, though the *Big Thicket Biological Survey* could lament that the region had shrunk to a million acres, these conditions still persisted, essentially unchanged. Today, scarcely 30 years later, only 300,000 acres of the original Thicket remain, and within this

remainder only isolated pockets of untouched wilderness can be found. In his *Farewell to Texas* William O. Douglas warns that the Thicket is being depleted at the rate of 50 acres a day.

Though only a fragment of the original wilderness remains, there can be no doubt that this fragment possesses natural features of great value. The Thicket contains ten of the world's largest trees in their species, as well as Texas' last sizeable stand of first-grown pines. It is the last known haunt of the rare ivory-billed woodpecker, and the nesting-ground of a remarkable variety of water birds. Botanists, taxonomists, ecologists journey there regularly for research into its unusual combination of eastern and western, subtropical and temperate vegetation. Its potential as a lure for the tourist dollar is unlimited. And its beauty is unique, and haunting. One would think, therefore, that Texans would leap to the defense of such a natural asset. What follows, however, is a chronicle of destruction.

Apparently there is an effort being made—by lumber and real estate interests, mostly—to destroy the Thicket's value as a natural treasure and, thereby, discourage government preservation which would remove several tens of thousands of acres from potential private exploitation.

It has not been many years since an East Texas lumber executive was heard to snap: "The Big Thicket? The way we're going, in four years there won't be any Big Thicket." Cutting schedules were subsequently accelerated, and extended into once untouched areas. Hardwood trees were sprayed to make room for pulp-producing pines; magnolia trees were hunted down and turned into railroad ties. In one wilderness area hundreds of acres of first-growth timber were levelled and replaced by cottonwoods. The lumber company involved explained that this was an "experiment" structured so as to produce "abundant" pulpwood. The experiment, most authorities agree, has "failed."

The tactics of local lumber companies may, for all I know, be hailed as a glowing tribute to the spirit of free enterprise. No economic dogma I am aware of, however, is being used to justify recent acts of outright vandalism against the Thicket. In one instance a heron rookery was sprayed with insecticides from an airplane. Lance Rosier of Saratoga (affectionately known as Mr. Big Thicket for his espousal of conservation in the area) explored the site the next morning, discovering more than 200 dead water birds in an area of less than two acres. Not long afterward a thousand-year-old magnolia, judged to be the oldest and largest in North America, was found dead, drilled in nine places and poisoned with arsenate of lead.

Still more recently, Lance, escorting a *Wall Street Journal* reporter through the rugged back country, discovered dead water birds and discarded shotgun shells in an isolated woodland pond. Was this a common thing, the reporter asked? Lance replied vehemently that it was another example of people trying to destroy the Thicket before it could be saved.

One thing is certain; no plot however efficient, could have succeeded in depleting the natural resources of the Thicket faster than the actual course of events over the last decade.

Conservationists, of course, have not been ignorant of these developments. It is largely their cries of alarm which have brought the Big Thicket Association into existence and created public awareness of both the area's value and its rapid diminution. It was their efforts which, in the summer of 1967, brought the Department of the Interior at last to make definite recommendations for a national park. In its recommendation the Department of the Interior singled out areas (totaling 35,000 acres) for special protection:

	Acres
1. Big Thicket Profile Unit	18,180
2. Beech Creek Unit	6,100
3. Neches Bottom Unit	3,040
4. Tanner Bayou Unit	4,800
5. Beaumont Unit	1,700
6. Little Cypress Creek Unit	860
7. Hickory Creek Savannah	220
8. Loblolly Unit	550
9. Clear Fork Bog	50

Though 35,000 acres may seem like a minute portion of the original Thicket, conservationists breathed more easily once these recommendations were made public. At last the pillage of nature was ended. Wasn't it?

The ink was scarcely dry on the park proposal, however, before one obliging investor had arranged to obliterate the Beech Creek Unit, which contained one of the last stands of virgin beech forest in Texas. Protests and accusations, pleas and blandishments proved futile; beech trees fell, amid the virtually total silence of the press.

Not long afterward the Loblolly Unit, a stand of 400-year-old pines which has escaped cutting through its involvement in a series of litigations dating from 1904, was nearly lost. Only the nearly frantic efforts of the Big Thicket Association and the remarkably public-minded decision of the Temple Lumber Company to hold back cutting schedules, saved the big pines from extinction. This salvation, however, like many another one might mention, is only temporary. There is no guarantee that cutting can be put off indefinitely.

Of the many segments of the proposed park, the Big Thicket Profile Unit is by far the most inclusive and, to my mind, the most interesting. Beginning in the rolling piney hills near the Alabama-Coushatta Indian reservation, it descends gradually along Pine Island Bayou past cypress swamps and sandy savannahs, taking in almost every kind of topography and plant life in the region. But the Profile Unit, too, is being dismantled. In this case the benefactor is a real estate developer whose Hoop 'n' Holler Estates is carved out of 640 acres chosen for protection for its unique botanical value.

In spite of long-term abuses of lumber companies, and of new threats posed by new vacation subdivisions (of which Hoop 'n' Holler is but one among many), in spite even of the immense weight of public apathy, something may still be done to save the Big Thicket. In the last two years every major conservationist organization in the United States has come out in favor of conserving the remaining wilderness. Emboldened by this support, Sen. Ralph Yarborough is nursing a Big Thicket bill in the Senate. The senator will need all the help he can get in order to succeed.

In the meantime, conservationists have chosen the present moment for a divisive, bitter wrangle over just how large the proposed park should be. The Lone Star chapter of the Sierra Club, backed by nearly a dozen national and regional conservationist organizations, proposes a "large" park of 100,000 acres. On this recommendation, the Profile Unit would be broadened and extended southeast to the Neches River (near Beaumont); a Village Creek Unit would be added; the Neches Bottom Unit would be significantly enlarged; a new area southeast of Saratoga would be annexed; and, finally, all major units would be connected by "corridors" one-half-mile wide. To this and similar proposals Dempsie Heneley (president of the Big Thicket Association) replied with exasperation:

"Ten to fifteen years ago, I myself would have been pushing as hard as anyone for as much as 100,000 acres for the park. However, the Thicket is no longer in such a wilderness state that this can be done. The Thicket has been cut to the extent that we will be doing good if we can get 45,000 acres."

If conservationists insist now that the "whole Thicket be locked up," Heneley insists, Texas will be the loser, for the Big Thicket in its entirety will be lost.

I am in no position to decide which proposal is politically feasible, or ecologically justifiable. One thing, at least, is clear: the Big Thicket continues to shrink, piece by piece, three by tree, lot by lot, "estate" by "estate." Texas' last wilderness is up for grabs. Perhaps, one might suggest—ever so delicately—something really should be done.

ARTHUR C. DECK REPORTS ON SOVIET UNION

Mr. BENNETT. Mr. President, recently, 10 American newspaper editors were given the opportunity to tour the Soviet Union. A member of that group was the very distinguished and successful executive editor of the Salt Lake Tribune, Mr. Arthur C. Deck. Upon his return to Salt Lake City, he wrote a series of six very informative, penetrating, and interesting articles on Russia, its people, and its government.

This has been very helpful to the people of Utah in understanding what Winston Churchill once described as an enigma wrapped in a mystery.

I ask unanimous consent that Mr. Deck's excellent reports be printed in the RECORD so that they can gain the wide distribution they deserve.

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

[From the Salt Lake (Utah) Tribune, Sept. 28, 1969]

PERSPECTIVES ON A SOVIET ODYSSEY—I: RUSSIA A VAST LAND OF CONTRADICTIONS

(By Arthur C. Deck)

After three tortuous weeks of travel in the Soviet Union covering more than 8,000 miles it is difficult to capsulize one's impressions of that vast country, but some things that come through loud and clear:

Russians are friendly—they fiercely want to be friends of Americans—but there always is that subtle undercurrent of distrust.

They are determined that there never will be a repetition of World War II. "We must be strong—we will never let that happen again," is a refrain that is repeated over and over.

They are an extremely proud people and constantly point out that what they have accomplished has been done in 50 years with most of their achievements coming in the last 25 years after the terrible destruction of many of their cities during the war.

CONFIDENT OF CATCHING UP

There is frank admission by some of their top ranking officials about their lag in adequate housing, consumer goods, automobiles and the like, but they have great confidence that they will catch up before too long.

In short, Russia is a pregnant giantess, terribly distressed by labor pains which have caused her to be somewhat slovenly in some of her housekeeping chores in her desperate effort to become a modern nation.

Our three weeks in Russia was arranged under the cultural exchange agreement between the United States and the Soviet Union. Negotiations were undertaken last January with the first cautious steps taken by the United States State Department and the Soviet Foreign office. The exchange proposal came from the Soviet Union of Journalists, which acted as our hosts.

DELEGATION OF 10 EDITORS

Our delegation consisted of 10 editors composed of officers and some directors of the American Society of Newspaper Editors

and one photographer. A similar delegation of Soviet journalists is scheduled to visit the United States in October. Each group pays its own expenses.

None of us knew what our itinerary within Russia would be until we arrived in Moscow, and our anticipation of what life would be like within a closed society was overwhelming. Especially was it so for me. All of the others arrived in Moscow as a group but because of a family wedding it was necessary for me to get there a day late. I had been told I would be met at the Sheremetievo airport, one of four huge airports outside Moscow, but I had no idea who it would be or how the meeting would be accomplished.

CROWDED WAITING ROOM

It turned out that four large planes landed at the same time, disgorging about 400 people into a small and very hot waiting room. There we began to queue up for passport inspection—a long and tiring procedure in Russia.

I was prepared for a delay of several hours when I heard my name being shouted. Then came one of the miracles of a controlled society. When I raised my hand, I was hustled out of the line, pushed in front of all of the other bewildered tourists, hurried through passport formalities and turned over to my greeter, one Victor Afanasiev, a representative of the union of journalists. Victor had a small leather card in his hand with which, somehow he worked his miracles. He flashed the card and we were whisked through customs without the slightest look at my luggage. He flashed it again, and a large black limousine pulled up. In short order we negotiated the 40-odd miles to the hotel where a sumptuous dinner was laid out for me. (The rest of the party had departed for the theater.)

Such experiences were to become common during the ensuing weeks of the tour which took us from Moscow, north to Leningrad, to Minsk in Byelorussia, far west to Novosibirsk in Siberia, down to Alma Ata in Kazhakstan, 200 miles from the Red Chinese border, and to Sochi, the warm resort area in the south on the Black Sea.

Before the trip we had hoped to be able to see areas of Russia off the usual tourist route, but this was not to be. And while we were housed in the best hotels, given the best food and showered with vodka we were politely but firmly told that we would be unable to get to such places as the cosmonauts' launching site—"even Borman could not go there," they said—and our hosts were completely deaf when we suggested that we be taken closer to the border with Red China.

DIVIDED INTO 2 GROUPS

After Leningrad, our group was divided in two, with five visiting the aforementioned cities and five going to Kiev, Irkutsk, and Tiblisi. We had interpreters, one of whom was the miracle man Victor, and another attached to Radio Moscow who spoke American so well he convulsed us with off-color American jokes.

Everywhere we were free to talk with government leaders, newspaper editors, people in industry and science and even with the people in the streets, department stores, subways or on the bench. The language barrier, of course, made it difficult to converse without an interpreter, but nowhere was there a feeling that our conversations were not being translated correctly. Strangely enough, none of us ever had a feeling that we were under surveillance, but knowledgeable Western newspapermen in Moscow advised us that for all our feelings it was a safe bet that our hotel rooms were bugged and that we were being watched constantly.

RED CARPET OUT EVERYWHERE

Apparently Moscow had spoken loudly when the itinerary was approved because everywhere we went the red carpet was out. Although we were always being told of the classless society, we usually ended up in the first class sections of airplanes and were always moved to the front of queues that are to be found anywhere. And all this without the slightest protest from the Russians who were being pushed aside.

Our hotel rooms were comfortable and mostly clean, although it is hard to dry adequately on a bath towel that is no larger than a table napkin and made of somewhat the same cloth. And one never knows whether the elevators will work or whether water will flow from the bathroom plumbing. But the radio which is in every hotel room (tuned to Radio Moscow) and the television set which is in most hotel rooms are always in top working order.

These are just a few of the many contradictions a visitor finds in Russia.

[From the Salt Lake (Utah) Tribune, Sept. 29, 1969]

PERSPECTIVES ON A SOVIET ODYSSEY—II: ULTRA-MODERN, PRIMITIVE STAND CHEEK-BY-JOWL IN RUSSIA

(By Arthur C. Deck)

Not far from the center of Moscow is an imposing, 100-meter-high monument to space exploration.

It is a magnificent sculpture, executed in titanium, set on a pedestal of polished granite and topped by a rocket which gleams bright in the sun.

Behind it is a phalanx of buildings comprising the USSR Economic Achievement Exhibition, a permanent industrial fair. One building is devoted to the Soviet achievements in space, complete with mockups of space vehicles and animated miniatures. Another has miniatures of the great power dams that are being built throughout the country, with detailed, illuminated maps showing the extensive power grids designed to supply industry.

EXQUISITE DETAIL

Another has displays of miniatures of all forms of transportation—air, rail, water—all in exquisite detail. Still another pictures the developments of the nation's farm program with emphasis on mechanization and use of the virgin lands in the far West. There are others devoted to medical research, electronic and scientific developments.

The grounds of the exhibition are teeming with Russians of all ages and with tourists, mainly from countries of the Soviet bloc. The exhibition is open year round and is an excellent maneuver in interior propaganda. The space exhibit, for example, is far superior to anything we have at Cape Kennedy or Houston.

But when a visitor leaves the exhibition grounds and walks along the broad streets he is again awed by the amazing contradictions of Soviet life. Within a block he will see a couple of small, old ladies emerging from a sewer manhole where they have been cleaning an accumulation of debris. He will see other women sweeping the streets with something less than primitive brooms.

STARTLING CONTRASTS

These contrasts exist everywhere. Russian technology has produced marvelous things, to be sure. They have modern, mechanical street sweepers and flushing trucks which nightly patrol the streets of all cities, keeping them so clean one is embarrassed if he forgetfully drops a cigarette stub or a gum wrapper. You soon learn to look for one of the litter barrels, of which there are many.

Russian officials maintain there is no unemployment; but there is tremendous underemployment, and to achieve the fiction that everyone works there is gross featherbedding and makework activities. Lack of motivation on the part of workers is readily admitted by some of the top officials, who maintain they are working to correct this deficiency. How is not readily spelled out.

But the gap between technology and services is tremendous, with no apparent effort to eliminate it.

CRAMPED INTERIORS

The airports around Russia are filled with marvelous flying equipment. Jet planes fly faster than those in the United States. The pilots are apparently well trained and efficient. All of the planes we rode in were either modern jets or turbo jets. The interiors of planes that fly only to Russian cities leave much to be desired, however. Seating is cramped and everything from suitcases to watermelons is piled on the overhead baggage racks.

Once in the air you're almost certain to get where you've set out for, but the big problem is that you never know when the plane will take off. On one occasion, our party spent 16 hours in one of the Moscow airports waiting for a plane that had been scheduled for the flight two days before.

Baggage handling is atrocious. Instead of baggage trucks, porters often carry two bags at a time to the planeside.

NO BAG TRUCKS

The waiting rooms in both airports and railroad stations are deplorable. Whole families sprawl on the floors eating and sleeping and waiting for ever-delayed departures. The stench in the public washrooms is beyond description. On the other hand, the Intourist waiting rooms and wash rooms are clean and comfortable, but ordinary Russians are not permitted in them—only international travelers.

Other things Americans take for granted further accent the contradictions of life in Russia. At a hotel in Minsk one of our group discovered the key girl on his floor did not have a key to his room. No other was available and apparently there was no master key. It was an hour to plane time.

HOTEL SNAFU

After much shouting among the hotel personnel, the chambermaid undertook to break the door with several hefty punches from her backside. (She was modest and insisted we look the other way while she went through her gyrations.) The door would not give, however, and just before the missing key was found, the hotel manager came running through the corridor with a large fire ax. He intended to batter the door down to gain entrance.

Another member of the group turned up one day without hot water in either his basin or his bathtub. He discovered, however, that steaming hot water was flowing in the toilet.

Such mundane things as getting laundry and cleaning done turn out to be traumatizing. Send a suit out for cleaning and it is likely to be returned with more spots on it than before. Shirts sent out for laundering are often returned looking as though they had been ironed with a lawnmower.

DIRECT DIAL

Since there are no central switchboards in hotels, all calls must be dialed directly to the room, and often one's sleep is interrupted by violent ringing several times during the night. The caller usually spouts something in Russian and then hangs up.

To shave in some hotel bathrooms is an exercise in gymnastics. The mirrors are placed so that a tall man must almost kneel and the bathroom light (at most 25 watts) is frequently on the opposite wall.

While our service in restaurants was superb, ordinary travelers on the Intourist circuit usually complained about the long delays in being served. A waiter may not arrive for half an hour and two hours later the food may show up.

GOODS SHODDY

There is an abundance of consumer goods and clothes available in department stores, but most of it is shoddy. Better merchandise can be found in the so-called "dollar stores" which are everywhere. These foreign currency stores accept no Russian money, but while the merchandise is better than in the stores Russians must patronize, it is also expensive.

One exception is American cigarettes which may be purchased for around $3 a carton.

Again, however, the problem is to get service. Usually there is one person in a dollar store who can speak English. After making a purchase you take a slip to the cashier who totes up the amount on an abacus (although she usually has an electric adding machine at her elbow). Then you go back to the original clerk, if you can find her, and retrieve your purchase.

One finally wonders if the gap between 20th century Russian technology and the ordinary living that Americans take for granted can ever be closed.

[From the Salt Lake (Utah) Tribune, Sept. 30, 1969]

PERSPECTIVES ON A SOVIET ODYSSEY—III: HOUSING, LIVING CONDITIONS IMPROVE FOR TODAY'S RUSSIAN WORKER

(By Arthur C. Deck)

Despite a lack of many ordinary conveniences which Americans are accustomed to take for granted it would be grossly unfair to infer that Russians are not working tooth and nail to improve and excel.

After three weeks and thousands of miles in that vast land, 10 American newspaper editors agreed that the USSR has not stood still in the last 10 years.

Three in our group had been to Russia before. One traveled in western Russia 10 years ago; another had been to Moscow and Leningrad in the early sixties. Another was there in 1966.

The Tribunes' editorial page editor, Theodore W. Long, made an extensive 39-day tour in 1960 through much of the same territory our group covered in three weeks.

GENERAL IMPROVEMENT

The assessment of our associates was that great strides had been made and a rereading of Mr. Long's articles published after his visit indicate that while many of the same problems exist, there is great improvement: food is abundant and good; more consumer goods are available; women appear to be more chic in clothing, hair styles and figures.

Automobiles, of course, are in short supply. Only 300,000 cars a year are being turned out in Russia at present and it is possible for the average Russian to wait two years before he can get one.

The jovial deputy premier of the USSR, Nikolai Baybakov, who also is in charge of national planning, is very optimistic about the future. He foresees a housing shortage for at least another 15 years. He is concerned about the sameness of apartment design and says this will all be changed in the next five years.

TO BOOST OUTPUT

Although Russia turns out only 300,000 passenger cars and 500,000 trucks per year now, Baybakov says that an arrangement with the Italian Fiat company will increase this to more than 600,000 cars next year with 2 million per year set as the goal in five years.

He recognizes that with an increase in automobiles will come traffic problems and has projected plans for a mammoth road building and improvement program.

One of our colleagues remembered that as recently as 1966 there were only three good women's wear shops on Gorky Street, Moscow's main shopping area. Now there are about a dozen.

READILY AVAILABLE

Transistor radios, refrigerators, vacuum cleaners, electric fans and other household items are readily available in stores but the metal products do not match their American counterparts either in design or composition.

Russian officials are not reluctant to admit there is still a tremendous housing shortage, but in all cities that we visited there is a virtual forest of cranes used for erecting apartment buildings. For the most part these are products of prefabricated housing factories where great concrete slabs are turned out in assembly line fashion, then taken to the building sites for erection.

Mr. Long remarked in 1960 the construction work was poor and that the buildings would be old long before their time. He called attention to the wretched slums in Moscow, very near to the American embassy.

QUALITY IMPROVES

Present day construction is much better. More attention is being given to plumbing facilities, decoration and preservation of green areas between apartment complexes.

There appears to be a realization of the desirability of making apartments more attractive both inside and out. There is more floor space per apartment today than in those built 10 years ago. And in Moscow the program of slum eradication seems to be moving with greater rapidity than in many large American cities.

We were told by government officials that it is contemplated that by 1980 it will be necessary to tear down some 5 million square meters of living space, not only for reasons of inadequacy but to allow for a more modern layout of the city.

Rent, we were told, is usually about 4½ percent of the family income with the average living space 12 square yards per person. The goal is to increase this to 22 square yards in new buildings. (An average worker can earn from 100 rubles per month to upwards of 250 rubles per month with a ruble valued at from $1.11 to $1.25.)

We were able to see at first hand how some Russian factory workers live in newer apartment complexes during our visit to Alma Ata, relatively near the Chinese border.

There a young Korean family of five occupied an attractively furnished five-room apartment close to a textile mill. It had a piano, books, television, radio and modern plumbing.

BARGE INTO APARTMENT

Everywhere we went we were amazed at the Russian hospitality. Our visit to this apartment was a typical example. Five of us barged into the apartment without much prior warning, obviously to the embarrassment of the young Korean housewife, who insisted we sit down to cold cuts, vodka and wine.

In this remote part of the country consumer goods are as readily available as in Moscow. We visited a department store which covered a block and was three stories high. It was equipped with modern escalators and carried the same variety of consumer goods that can be found in any American equivalent.

PRICES VERY HIGH

It appeared there was a lot of shopping, but at least while we were there, very little buying. Prices were high—men's shirts at 20 rubles; a man's suit at 150 rubles; a woman's cotton dress at 30 rubles; a rain coat at 30 rubles.

Sales clerks are paid 100 rubles a month; a department manager 230 rubles and the top store manager, 350 rubles including a bonus he receives when sales volume exceeds the store's "norm."

The confounding and unanswered question is how people are able to buy at such high prices with such modest incomes.

Another change that was apparent to our colleagues who had been in Russia before was the lack of black market money peddlers. Mr. Long, in his report of 1960, told of being approached by such characters after only a short walk on city streets.

None of us had such an experience.

On the whole, things are improving in Russia. Visitors used to return telling how the average person yearned for a ball point pen and that the principal difficulties in hotels were the lack of toilet paper and plugs in the bathtubs.

That no longer is true. Most hotels have plugs for the bathtubs and there is adequate soap and toilet paper, although the towels leave something to be desired and often the toilet seat is not fastened to the bowl.

Ballpoint pens are common now and readily available. Perfumes and cosmetics are sold everywhere. Even cigarette lighters are in excellent supply, but nowhere is lighter fluid available.

Yet the Russians solve this oversight in a rather ingenious way—they tie a string to the lighter and lower it into an automobile gasoline tank.

[From the Salt Lake (Utah) Tribune, Oct. 1, 1969]

PERSPECTIVES ON A SOVIET ODYSSEY—IV: PERSONAL FREEDOM FLOWERS IN POST-STALIN PERIOD

(By Arthur C. Deck)

The farther a visitor travels away from Moscow it becomes apparent that Russians in the cities far from the capital are more friendly to foreigners and are a happier people.

As one of 10 American editors who traveled thousands of miles in the Soviet Union over a period of three weeks my impression was that Muscovites generally wore a stolid, uncompromising look and in many cases were suspicious of foreigners, particularly Americans.

It may be that this is the pattern of people the world over who live in impersonal, highly congested metropolitan areas (Moscow has a population of 6,600,000) but I was impelled to wonder if the distance from the seat of Big Brother might have contributed to the ever increasing thaw.

NO VISIBLE EFFORT

In any event it appears that the era of the personality cult has all but disappeared in Russia. Except for statues, billboards and posters of Lenin, which are everywhere, there is no visible pictorial propaganda effort in behalf of the current leaders of Russia nor of their immediate predecessors.

Lenin, of course, is revered. In conversations with some of our hosts, he was referred to as being "sacred." One Russian editor referred to an American newspaper editorial which criticized Lenin. "How would you feel if we criticized George Washington?" he asked.

In all our travels I saw only one picture of Stalin and that was in a war museum in Leningrad. Our colleagues who traveled in Georgia, however, said Stalin photographs were much in evidence there.

BRINGS QUICK DENIAL

Visitors who had been to Russia during Stalin's regime told of seeing statues, pictures and posters of the dictator everywhere. They have all disappeared. While some current writers have indicated a trend to return to the era of terror that characterized the Stalin period, this is vigorously denied by Russian officials.

Even our interpreter, Joe Adamov, a very Americanized product of Radio Moscow, became violently defensive when asked to read articles by accredited American correspondents which suggested that thousands of dissenting Russians were being jailed or worse.

"I am in Moscow radio," he shouted, "With my contacts would I not know if someone were taken away? I tell you, I know of not one Russian who is in jail as these writers charge."

ENDS DISCUSSION

The case of the Russian writer, Anatoly Kutnetsov, who recently defected to England because of what he charged was a new campaign to suppress freedom of expression, is dismissed with a violent retort:

"Any person who would leave his wife and family is bad to begin with."

That ends the discussion.

During a return from a bus trip in Lenin-

grad I was afforded an opportunty to make some detailed inquiries into how Russians evaluate life in their country today. An attractive, 35-year old housewife, Mrs. Galina Sherondva, sat down beside me. She is a guide for Intourist and speaks excellent English.

FEELING OF FREEDOM

I remarked at the complete elimination of the Stalin image. She replied that life was certainly easier today than during the Stalin period. She emphasized that there was more of a feeling of freedom of expression and that there is no longer a concern that Big Brother, or one of his henchmen, is looking over your shoulder or spying on you.

"But," she said, "it has been too extreme to eliminate all of the statues of Stalin. After all he did contribute a great deal to the counrty, even though many people go to Moscow to spit on his grave."

Mrs. Sherondva, who dresses extremely well and wears a modified miniskirt, has traveled extensively throughout Europe and Africa as part of her job as a representative of Intourist and would like to visit the United States.

SHRUGS SHOULDERS

"When they want me to go I will go," she said, but in response as to whether she would make a personal effort to get there, she shrugged her shoulders.

Mrs. Sherondva agreed with me that people in Leningrad were more warmly approachable than in Moscow but she quickly denied that this was because Muscovites live so close to the center of government.

"People here are just more relaxed," she said.

Russian editors in all of the cities we visited were unanimous in denouncing reports by American newspapermen, particularly Henry Kamm, who had spent two years in Moscow for The New York Times and who suggested that the present government was moving closer to the Stalin concept, and Anatole Shub of the Washington Post, who was expelled from the country after he wrote that there are now "scores of thousands" of political prisoners. Both men were denounced as "liars" not only by editors but by scientists, government officials and by ordinary citizens.

FOLLOW ITINERARY

Of course we had no way of evaluating the charges or the denials. We saw no prison camps. We met no one who could be described as a dissenter. We were guests in a strange and beautiful country and we followed the prescribed itinerary.

If the government is, in fact, moving to tighter control over its people, it is not apparent in the light of our experience. The visible transition is the complete erasure of Stalin and Khruschev and the complete confidence of the people in their current leaders even though their image is projected in very low key.

[From the Salt Lake (Utah) Tribune, Oct. 2, 1969]

PERSPECTIVES ON A SOVIET ODYSSEY—V: RUSSIANS PROUD OF CLIMB FROM RUINS AFTER WAR

(By Arthur C. Deck)

Russia's determination to keep alive the memory of World War II and the national pride of accomplishment in the 25 years of recovery from that holocaust are readily apparent to a visitor to the Soviet Union.

Whether in Moscow, Leningrad, Minsk or the far reaches of Siberia where cities escaped the war's devastation, officials, newspaper editors and ordinary country folk automatically surge into a discussion of the terrible war years and remind the listener that everything he sees—building, industry, the advancements in culture, education and science—all have been accomplished in a quarter of a century.

"And," the visitor is told, "we have done this by ourselves. We have received no help, no loans or grants from a rich uncle."

APPALLING STATISTICS

To the 10 American editors from a country that never has been invaded in modern times, the statistics of 20 million dead, more than 60,000 cities and villages destroyed and the loss of one third of the national wealth, are appalling. The rate of recovery is impressive but frustration mounts at the recognition of growing pains and official apprehension of the distrust of western nations.

Since our tour was officially arranged, it is understandable we would have been escorted to:

The beautiful Piskarevskoe Memorial Cemetery at Leningrad, the mass graves of more than 600,000 people who died at the hands of Nazi troops during the siege of that city from 1941 to 1944.

The impressive war memorial near Minsk, where a small mountain has been built with earth from all of the war-torn cities of Byelorussia and topped with a modernistic sculpture.

BELLS TOLL

The Khatyn village outside Minsk where acres of green are now dotted with the restored chimneys of the farm homes burned by the Nazis after they herded nearly 200 villagers into a barn and set fire to it. The chimneys stand out starkly against the greensward and in each a bell rings periodically.

Another war memorial at Novosibirsk where the names of 30,000 war dead from that Siberian city are inscribed on huge upright placques.

At each place we hear an echo of what we were told by Moscow's deputy Mayor, Vasili Isayev:

"We must create a powerful industrial and defense capability to prevent war from ever happening again."

SHOWN INDUSTRY

And while we were never shown anything that remotely resembled a munitions factory or a defense establishment, we were ushered ceremoniously through several industrial complexes:

At Leningrad—The Obuhovo prefabricated house factory, one of six in the city, where 3,200 workers turn out 25 family units per day in assembly-line fashion. The slabs, which are of reinforced concrete, roll out of the plant and are recarted to the building sites, where they are assembled into free-standing apartments of from five to nine stories high. By 1972 they hope to be producing 12- 16-story buildings, but they have no plans for skyscrapers because land is not at a premium.

At Minsk—The Belaz truck factory outside the city, which produces 20- 40- and 60-ton heavy-duty dump trucks at the rate of 2,500 units a year. We were told that plans were on the drawing board for 120-ton capacity carriers. The products are exported to 30 nations.

TEXTILE PLANT

At Alma Ata—A huge textile plant, at least one of our blocks in area, a vast, air conditioned complex that turns raw cotton into cloth at an astounding rate.

While the mill is only three years old, already there are plans for its expansion, which, we were told, would triple the plant's output by 1970.

Impressive as these industrial works are, however, the growing pains are readily apparent. At the housing factory where 45 percent of the workers are women who operate overhead cranes and pour concrete, the appearance of the place is not up to American standards: lighting is poor, floors are cluttered and in general the working area is unkempt.

The truck factory, for all its accomplishment, is untidy and a far cry from the American concept of assembly line production, while the textile mill, despite the introduction of air conditioning, still has its atmosphere fouled with cotton fibers.

EDUCATIONAL PROGRESS

But the results of planned effort are there, nevertheless, and the visitor is readily told of the availability of education—from preschool through college; of the progress of the agricultural sciences, where new strains of farm products are being developed to withstand the rigorous winters of Siberia and the vast stretches of virgin lands.

It is with obvious pride, during our visit to Novosibirsk, Siberia, that we are escorted to Science City, some 18 miles away, where during the Khrushchev era a vast area of forest land was cleared for the erection of a complex of buildings to house the nation's top scientists. Not only is research carried out here, but it also is a higher education complex, similar to our graduate schools.

MATH MUDDLE

A discussion with scientists here is highly enlightening if not always comprehensible. One of our group got into an argument with one of the scientists concerning different interpretations of some rather obfuscating mathematical technology.

For the first time in the whole tour, our interpreter, Joe Adamov, the suave linguist from Radio Moscow, threw up his hands in exasperation.

"This is the first time in my life that I don't know what I'm talking about in either language," he said.

[From the Salt Lake (Utah) Tribune, Oct. 3, 1969]

SOVIET ODYSSEY—VI: DRY SALAMI, MINISKIRTS—A LAND IN TRANSITION

(By Arthur C. Deck)

Was it chance or was it planned?

Whatever the reason, as we boarded the plane for our flight out of Russia, there on the apron stood the giant, spanking-new TU144, the Soviet Union's sleek supersonic jet transport.

And, as if to bid us goodbye, the pilots slowly raised and lowered the long needle-nosed snout of the behemoth. How or why they did this I have no notion.

From all appearances, this was the Russians' final gesture, of their last chance to put their best foot forward for the 10 American editors to whom they had been hosts for three weeks and thousands of miles in that great land of paradox.

SALAMI, APPLES

The jet that carried us away was far different from the planes we had flown within Russia. Its interior was well furnished; the miniskirted stewardesses could have been plucked from any American airline. The seats were wide and comfortable, in contrast to those in domestic planes. The food was far superior to that on interior flights, where the fare usually consisted of a hunk of salami, a dry roll, an apple and a cup of mineral water.

What does it all add up to? How does a nation so obsessed with a desire to excel in technology, culture, education—you name it—manage to spin its wheels so hopelessly in so many ways?

And as one gropes for some answers, these terms become all too apparent: frustration, pride, insecurity, friendliness, distrust and hospitality.

It's all there in one great tangle.

PLEASANT MEMORIES

Recollections of some things are most pleasant.

There was the unforgettable evening at the Leningrad ballet, which surpassed anything of its kind I had seen. The performance of "Don Quixote" was presented by the second-string company, since the first was on tour in Japan.

The performers were superb, the girls were

beautiful, the staging and costuming magnificent and the audience reaction enthusiastic and amazing. The performers, both men and women, were showered with great bouquets of flowers carried onto the stage and thrown with abandon from all over the beautiful theater.

But the orchestra in the pit was something else again. While the conductor was properly attired, the rest of the musicians wore a motley array of clothing—white shirts and colored shirts; some with ties and some without. Some were shaven, some not.

ART MUSEUM

There is the fabulous Hermitage art museum in Leningrad. It is said to contain one of the world's greatest collections of Rubens' works. There are priceless collections of archeological artifacts dating from the stone and bronze ages. The Treasure Room contains an exquisite collection of works of art in gold and other precious metals from primitive civilizations. It has one of the world's greatest collections of French impressionists, many of which have never been reproduced or seen by westerners.

One is impressed by the Russians' pursuit of culture which extends even to the small communities on the collective farms. At one of these were enthralled by a recital by several beautiful children who were enrolled in the farm's music school—a most important part of Russian education. Over and over we were invited to these schools.

So intense is the desire for culture that while the battle for Stalingrad was being waged in World War II, the people of Novosibirsk in Siberia continued building of their opera house without interruption.

RUSSIAN WOMEN

We were told at length about the emancipation of the Russian women and her important role in Soviet society during a meeting with officers of the Soviet Women's Committee in Moscow. (It could have been a meeting with officers of the League of Women Voters in any American city.)

We were told that 72 per cent of Russian doctors were women, as are 33 percent of the judges, 35 percent of the lawyers, 60 percent of the economists, 30 percent of the engineers, 45 percent of the scientific workers and so on and on.

It is very impressive, but then the nagging sight of the women sewer workers and women street sweepers pops up to fog the scene.

Near Novosibirsk is a huge library, five floors above ground and four below. It is a magnificent building and one of the five largest libraries in Russia, with an inventory of more than five million volumes. The librarian was proud of its world-wide connections and its exchange agreements with American libraries.

SUBSCRIBE TO "LOOK"

"Even the Library of Congress," she said.

Asked if the library subscribed to any American publications, she proudly displayed the New York Times, the Wall Street Journal and Look.

Any visitor to Russia is in an almost complete vacuum about news of the outside world. The only English language newspapers readily available are the Communist papers from Europe and the propaganda newspaper, Moscow News, locally edited and produced.

Russians are avid newspaper readers, and the national newspapers, Pravda and Izvestia, have enormous circulations. Every city has newspapers, local and regional in character. There are magazines galore, youth newspapers, women's magazines and publications of every description.

NEWSPAPERS DRAB

There is a sameness in appearance of all newspapers and, in comparison with American publications, they are startlingly drab.

While Russian editors generally describe their roles as supporters of the government, they vigorously insist they can and do criticize when necessary. An editor can "satirize" the director of a tractor factory for his shortcomings or a regional editor may criticize Pravda, for example, for not carrying enough science news.

On international affairs, however, discussions with editors indicate they all speak with one voice. We, as American newspapermen, were taken to task more than once for publishing both sides of the Chinese border controversy.

ONLY ONE TRUTH

"There is only one side that is the truth," we were told. "It is not good to publish both sides—this only gives an opportunity for Mao to spread his lies."

Most editors are extremely defensive about Russia's role in Czechoslovakia and at one dinner meeting in Minsk the discussion became such a shouting match that our interpreter, Joe Adamov, took off his shoe and pounded the table.

The obvious reference to the Khrushchev performance in the United Nations broke the tension, provoked some laughter and the evening proceeded on a more friendly tone.

The unanimous response by officials, editors and even the man in the street to questions about international affairs is often unbelievable.

YANKEES, GO HOME

About Vietnam? The U.S. should pull out and let the Vietnamese solve their own problems. What of Russia's role? That's different. "You don't understand," was a reply heard frequently.

About China? The border incidents are provoked by Mao as a diversion to take people's minds off internal failures. They love the Chinese and think the current confrontation is temporary.

About Czechoslovakia? They are sorry, but it had to be done. "But we will leave Czechoslovakia before the Americans leave Europe."

About West Germany? They are concerned about the gains made by the neo-Nazis and they harbor a deep-rooted fear of West Germans.

About the Mideast? They'd rather not discuss that.

HOPE FOR PEACE

About the U.S.? They hope for peace and a solution to the disarmament question. They castigate the American "imperialists" but insist that if there were talks "such as with you American journalists" all could be worked out.

Everywhere we heard enthusiastic praise for the United States' moon shot. Apollo badges we distributed were warmly accepted and worn and American newspapers picturing the moon walk by American astronauts became prized possessions wherever they were distributed.

Air and water pollution concern Russian officials as much as they do the U.S., but the Russians have a bigger club, the product of a controlled society. Soviet officials require strict compliance of industrial plants. Even though production is for the state, they can and do close down plants that fail to comply with government standards.

NO MORE FACTORIES

City planning is high on the list of important projects in every municipality. In Moscow we were shown detailed plans for widening streets, developing peripheral boulevards and establishing a "green belt" on the outskirts. They plan to move some of the historic buildings to make way for broad new thoroughfares, and they are firm that no more industry will be permitted within the city.

Municipal planning in most cities we visited includes the development of broad green areas between the evergrowing apartment complexes, but in Novosibirsk, where there are still picturesque, single family dwellings in great green ravines that thread through the city, there are plans to fill in the gullies to make way for modern apartments.

And here, for once, was a similarity to the American way of life. We were told by the city's newspaper editor that in their haste to modernize they had torn down the first log cabin built in that part of Siberia.

Now, of course, they are making plans to build a replica.

STUDENT ADVISORY COMMITTEES FOR THE SELECTIVE SERVICE SYSTEM

Mr. SCHWEIKER. Mr. President, earlier this year, President Nixon recommended the creation of student advisory committees in every State to meet and discuss our draft system, and to make recommendations for changes and improvements.

I thought this was an outstanding idea, and early in September I wrote to Selective Service Director Lewis B. Hershey to find out more about it, and received a preliminary report from him in the middle of September.

Since this correspondence took place, I have continued to express interest in the youth advisory committee idea, and in the progress of the creation of these committees I have learned that they have been set up in more than 30 States and territories.

I think it is important that attention be given to these youth committees, because they can provide a positive and constructive service to draft reform. General Hershey is to be commended for carrying this idea out, and I hope all States will have advisory committees set up in the very near future.

As a member of the Senate Armed Services Committee, I am looking forward to the hearings this committee will be having early next year. We will be considering broad questions of draft reform and draft system modernization, and will be considering a wide variety of recommendations and information.

These student advisory committees can be extremely helpful to the Armed Services Committee hearings because they will provide intelligent recommendations from the people who are affected most by the draft system—our young people.

Mr. President, at this time I would like to have inserted in the RECORD the correspondence in September between General Hershey and myself.

In addition, the National Employment Association has recently written to President Nixon to endorse his proposals for draft reform. I would like to have the NEA statement, and the text of the NEA letter, also inserted in the RECORD.

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

SEPTEMBER 3, 1969.

Lt. Gen. LEWIS B. HERSHEY,
Director, Selective Service System,
Washington, D.C.

DEAR GENERAL HERSHEY: Because of my long-time interest in our draft system, I am delighted to know of your plans to create Youth Advisory Committees in every state, to receive information on what today's youth think of the draft, and suggestions for improvements. President Nixon and you are to be commended for your leadership in devel-

oping these committees, and I am confident they will be fruitful to the Selective Service and to all other persons interested in having the most equitable and efficient draft system possible.

I will be following the creation and progress of these advisory committees with great interest, and am writing to ask if you could provide me with greater detail concerning your plans.

Specifically, I would like to know details concerning the following:

(a) How are the State Committee representatives being chosen?

(b) What plans are being made for State meetings?

(c) What procedures and timetables are being developed for State reports and recommendations?

(d) What plans are being made for a national meeting?

(e) What procedures and timetables will be followed for submission of the reports to the Selective Service System in Washington, and for their evaluation?

(f) What timetable will be developed for making these State reports public?

(g) Will there be any official Selective Service System comment on the youth recommendations?

I am confident that our youth can provide perceptive and informative commentatories on the draft system, which affects their lives so directly, and thus I commend you for your work in obtaining this expression of opinion, and look forward to having your views and thinking on the details of your worthwhile enterprise.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.

SELECTIVE SERVICE SYSTEM,
Washington, D.C., September 15, 1969.

HON. RICHARD S. SCHWEIKER,
U.S. Senator,
Washington, D.C.

DEAR SENATOR SCHWEIKER: Thank you for your letter of September 3, 1969, and your kind remarks concerning the action which President Nixon and I have taken in developing Youth Advisory Committees to Selective Service in the States.

I am in thorough agreement with you that these Committees can be of great help in our effort to develop the most equitable and effective draft system possible.

As you are aware, at the present time these Committees are largely in a devlopment stage. State Committees have already been set up in many of the States and others are in the process of being formed. Trying to get people together to serve on the Committees during the summer months is one of the difficulties being experienced by the States. Because of travel, vacation and summertime employment, many persons could not be brought into the plan earlier. To the extent that these plans have developed, I will respond to the specific points of your inquiry.

The responsibility for the selection of members of these Committees rests with the individual State Director. The general pattern for selecting Youth Advisory Committee members is similar to that followed in selecting local board members, in that each State uses the method best adapted to that State. Many States are getting recommendations from schools, institutions and various organizations in their States in which youth are involved.

The responsibility for scheduling, at least the initial meeting, is left up to the individual State Director. Generally, thereafter it is expected that meeting times will be determined to a large degree by the Committees themselves, consistent with availability of funds and Committee functioning.

It is contemplated that the State Committees will not make formal reports, as such, but that there will be representatives from all State Committees who, after they have familiarized themselves with the subject, will participate in a national meeting to be held at some future time at which the recommendations of the individual State Committees will be compared and their consolidated recommendations made to the Selective Service System. The views of each State Committee on matters it considers will, of course, initially be presented to the State Directors.

One of the advantages of a national meeting is the cross-fertilization of ideas developed by the youth in the States. This was a point stress by President Nixon when he met with the initial youth group in California in June.

The Selective Service System will evaluate the recommendations coming out of the national meeting and they will be reported to the President. Another point stressed by President Nixon was the great value that a national meeting of representatives of the State Advisory Committees will have in carrying back information and ideas to their individual State Committee. State Committees will be kept informed on the actions taken on their recommendations.

As you are aware the main objective of this program as expressed by the President is to give the youth of the Nation an opportunity to make constructive recommendations concerning the program in which they are so vitally affected.

The potential of the program for constructive recommendations was illustrated by several preliminary suggestions made by the young people to the President at their meeting with him in California during June. The President thought these suggestions had sufficient value to merit further study and referred them to his staff members, Mr. Peter M. Flanigan and Mr. Charles B. Wilkinson to discuss with Selective Service.

Sincerely yours,

LEWIS B. HERSHEY,
Director.

PRESIDENT NIXON'S DRAFT REFORM SUPPORTED

President Nixon has received the strong support of the National Employment Association in his efforts to reform the Selective Service System. While applauding his efforts, the Association, which represents the nation's private employment agencies, urged the President to take an additional step to remove inequities from the draft law. This additional step would be to give potential draftees their physical, mental and moral tests at the time of registration. In this manner, the registrant's true classification would be established early and much of the present uncertainty would be eliminated.

The text of NEA President Joseph L. Wroble's letter to President Nixon follows:

"The National Employment Association strongly commends you for your program to relieve the uncertainties that mark the present operation of the Selective Service System and recommends an additional step be taken in easing the burden of the draft on the nation's young men.

"In your message to Congress on reforming the military draft, you stated that:

" 'The present draft arrangements make it extremely difficult for most young people to plan intelligently as they make some of the most important decisions of their lives, decisions concerning education, career, marriage, and family.'

"As to considerations of a career, the private placement agencies our Association represents have had the repeated experiences of attempting to place young, male job applicants who, while otherwise qualified, are virtually unemployable because of the uncertainty of their status in the draft.

"Your program to remove from vulnerability all men between the ages of 20 and 26 and provide for draft eligibility only those 19 years of age deserves support. It would remove a significant impediment to the employability of the great many young men who seek our members' counsel regarding job opportunities.

"To dispel a further degree of uncertainty, we strongly urge that physical, mental and moral tests be given at the time of registration. In this manner, the registrant's true classification will be determined early and his ability to plan greatly enhanced. Moreover, the Selective Service System would gain an accurate count of the number of eligible men available.

"You have the enthusiastic support of the National Employment Association in this effort, and we will make our views known to the appropriate legislative committees in the Congress."

The National Employment Association is the trade organization for private employment agencies. It was formed in 1960 through a merger of three predecessor organizations. A key program is professional development, and its members are pledged to a rigid Code of Ethics.

There are over 8,000 small business firms engaged in the private placement agency business. These firms employ some 40,000 people and are responsible for approximately 4 million placements each year. Private employment agencies define a permanent placement as one expected to last at least 90 days. The U.S. Employment Service and its state affiliates use an index of only three days so there is no basis for comparison.

NEGLECT OF THE GREAT LAKES—ST. LAWRENCE SEAWAY SYSTEM

Mr. HARTKE. Mr. President, today President Nixon announced his plans to come to the rescue of the maritime industry by a program to expand the activities of the U.S. merchant fleet and revive construction of commercial vessels in domestic shipyards.

Unfortunately, the President's maritime program appears to overlook the Great Lakes, inland waterways, and the St. Lawrence Seaway. Since the seaway opened on June 26, 1959, it has stimulated economic development and prosperity not only within the Great Lakes region, but throughout the entire United States and the North American Continent. As the seaway enters its second decade of operations, it is plagued by numerous problems that threaten to choke this vital transportation link.

The seaway is the only federally supported waterway that is required to be self-supporting. At present, the seaway is obligated to repay $148 million in debt. It is often suggested that the way the seaway can pay off its debt is by raising tolls. However, an increase in toll rates would definitely discourage shipping in the Great Lakes region and defeat the aim for which the St. Lawrence Seaway was constructed in the first place. Inland waterways in the United States have always been open without charge. If the Great Lakes are free and open to all, why should the seaway linking the lakes even have toll charges?

The seaway must be relieved of the necessity of being required to repay the cost of construction, operation, and maintenance from revenue derived from toll charges. The financial position of the St. Lawrence Seaway Development Corporation must be improved so that it can attract and handle additional maritime traffic.

It is imperative that seaway facilities be efficient and modern to accommodate increased traffic and the most modern ships. If these funds are provided, port authorities will be encouraged to improve terminals, freight handling, loading and unloading facilities, and transportation facilities to and from port areas.

The President's new proposal increases Federal subsidies for ship construction and operation of shipping lines for oceangoing vessels involved in foreign commerce so that they will be better able to compete with foreign carriers. Why must U.S. Great Lake vessels be excluded from this proposal? Certainly, it makes sense that similar assistance should be devised for our translakes shipping fleet because keen competition is also prevalent in the Great Lakes area. Canada has subsidized its Great Lakes fleet making it one of the most advanced and highly automated in the world. From 1955 to 1965, the American Great Lakes fleet declined approximately 500,000 gross tons while the Canadian Great Lakes fleet increased by the same amount. Therefore, I urge that discrimination in maritime subsidies be terminated and that aid be made available to all American shipping.

Mr. President, I believe that we must add to the President's maritime proposals by developing ways and means to solve the Great Lakes-St. Lawrence Seaway system's problems. Surely, if the St. Lawrence Seaway is able to reach its full potential and proper place in our transportation network, our national economy will benefit tremendously.

POLLUTION THREATENS A PRECIOUS RESOURCE

Mr. YARBOROUGH. Mr. President, on October 6, 1969, I introduced Senate Joint Resolution 156 to establish an Interagency Commission with the specific duty of planning for our Nation's participation in the 1972 U.N. Conference on the Human Environment.

At that time, I stated to the Senate that there is a serious question whether our Government is taking sufficient steps to insure adequate planning for this most important conference.

Mr. President, the evidence is overwhelming that the pollution of our air and water is creating a grave environmental crisis, and this crisis is one of worldwide dimension.

Water is one of our most precious resources. The threat to its future use by mounting pollution is discussed with unusual clarity and insight by Ken Jurgens in the October 1969 issue of Texas Parks and Wildlife, in an article entitled "Water, Water Everywhere: Keep It Fit To Support Life."

The article is accompanied by some excellent photographs by Reagan Bradshaw and Bill Duncan. These pictures bespeak the adage that "one picture is worth a thousand words." It is unfortunate that they cannot be reproduced in the CONGRESSIONAL RECORD.

The article discusses all phases of water pollution: Domestic sewage; industrial wastes; excessive nutrients such as phosphates, ammonia, or nitrates; oil pollution; abnormal variances in water's temperature; pollution by toxic substances such as the phenolic compounds, sulfides, cyanides, and heavy metals such as copper, chromium, and zinc; and the pesticide problem.

Mr. President, this article amply illustrates why all efforts to deal with the environmental crisis, including the 1972 U.N. Conference on the Human Environment are vitally important to the survival of mankind. I commend the article to the Senate and ask unanimous consent that it be printed in the RECORD.

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

[From Texas Parks and Wildlife, October 1969]

WATER, WATER EVERYWHERE: KEEP IT FIT TO SUPPORT LIFE

(By Ken Jurgens)

News of recent well leaks off the California and Louisiana coasts and the fish kill in the Rhine River in Germany have intensified public interest in pollution. Yet most people only vaguely understand the meaning and scope of pollution. To pollute is to make physically impure, to befoul, defile, dirty, or taint, but modern usage encompasses yet another connotation—*to alter adversely.*

We all know that water is a fundamental requirement of all living things and that clean, natural waters—unaltered by man—are essential to all life. Changing the condition of our natural waters in any way which harms or excludes normally found aquatic life is an act of pollution whether or not it is done legally. It is the purpose of this article to give the reader a basic understanding of water quality and the effects of pollutants upon fish, plants, and other wildlife found in and around our rivers, ponds, lakes, streams, bays, and estuaries.

When natural waters are clean and support a wide variety of aquatic or marine life, they are said to be of good quality. Water is an almost universal solvent. Thus, natural waters may contain any number of dissolved substances. Moving waters may also carry many suspended or emulsified materials such as silt or oil and grease. Technically, water quality is judged by the amounts of substances it contains plus its acidity, alkalinity, turbidity, and temperature. Chemical or other analyses of water quality measure substances contained in water in parts per million parts of water (ppm) or in milligrams per liter (mg/l).

ACID AND ALKALINE WATERS

Natural waters are either slightly acid or alkaline depending upon the minerals of the particular region. When natural waters are acid it is usually due to dissolved carbon dioxide, sulfuric or other mineral acids. When waters are alkaline it is a result of dissolved carbonates, bicarbonates, silicates, phosphates, and alkaline organic substances.

Acid and alkaline waters are both described in terms of potential hydrogen ion concentration (pH). A pH 7 is neutral. Less than pH 7 is acid and greater than pH 7 is alkaline. Natural waters most frequently range from pH 6.5 to pH 8.5.

DISSOLVED OXYGEN

Fish and other aquatic and marine life require dissolved oxygen or they will suffocate. Some warm-water fish, such as carp, can live in water with as little as 3 ppm of oxygen, whereas largemouth bass require more dissolved oxygen and live best in water containing 5 to 8 ppm. Most natural waters with good fish populations contain ample dissolved oxygen.

Flowing streams, free of excessive oxygen-demanding pollutants, can regain oxygen by flowing a relatively short distance. The more rifles and rapids present, the sooner the stream recovers lost oxygen.

Unfortunately, organic pollutants—which consume large amounts of dissolved oxygen—are often introduced into natural waters in great quantity. The bulk of these pollutants come from domestic sewage and industrial wastes. Unless properly treated they can make water unfit for aquatic life.

Even with adequate waste treatment, some single industries release enough oxygen-demanding wastes to equal sewage wastes from cities of 50,000 to 100,000 population. The seriousness of organic pollution can be understood simply by looking at a Texas map to see the many cities and industrial plants along our rivers and some coastal bays. Of further significance is that fact that water in a river has to be reused many times before reaching the open sea.

In some streams and coastal bays, it's a marvel that fish life exists at all. In fact, certain waters have been so heavily polluted that authorities consider them unfit for production of fish life. The truth is, no fish can live in them, and when fish enter such areas by accident, they most likely will die.

NUTRIENTS

Traces of nutrient materials such as phosphates, ammonia, or nitrates in natural waters are required for the growth of aquatic plants. However, when present in large quantities they cause excessive growth of vegetation which often interfere with swimming, boating, fishing, and water skiing. Heavy growth of aquatic plants may also cause bad tasting water, foul odors, and extensive fish kills. When large quantities of plants die and decay, they use up dissolved oxygen in the water causing fish to suffocate.

Nutrient materials in surface waters often come from the land—in runoff waters carrying agricultural fertilizers, from sewage wastes, either raw or treated, or industrial wastes.

Ammonia, a nutrient (fertilizer), is also toxic (poisonous) especially in more alkaline waters.

OIL

Oil which finds its way into surface waters is harmful to aquatic life in a number of ways. Free and emulsified oils can coat the gills of fish causing them to suffocate. They also coat and kill one-celled plants and animals which are vital sources of fish food.

Oily materials that settle to the bottom, coat the bottom, suffocate bottom-living animals, destroy fish habitat, and render useless areas used by fish for spawning. Water-soluble oils may cause fish to become unpalatable and may be poisonous to fish and other aquatic or marine life. In addition, thick films of oil floating on the surface can upset the natural self-purification of streams by preventing aeration.

SOLIDS

In water quality studies, some substances are classed as solids which are defined as either dissolved, suspended, or settleable. Dissolved solids are materials such as salts and sugars while suspended and/or settleable solids are such as silt, paper pulp waste fibers, sewage solids, water treatment sludges, lime waste from treating industrial waste waters, oily sludges, and street washings.

Dissolved solids result mainly from minerals leached from soils or geological deposits, although large amounts reach natural waters from industrial wastes. U.S. Public Health Service drinking water standards suggest not more than 500 ppm of total dissolved solids should be present in fresh water.

Salinity, or amount of salts dissolved in water, is particularly crucial to productivity of coastal waters. Many people think salt water is sea water regardless of where it is found—in the coastal bays or open sea—and that no matter how much salt it contains,

marine animals won't know the difference. Actually, fish, shrimp, crabs, oysters, and other marine animals have definite preferences for certain amounts of dissolved salt (sodium or magnesium chloride).

On the average, waters of the open sea contain a total salinity of 35,000 ppm. Bays and estuaries, on the other hand, vary from almost no salinity where the rivers enter the bays to nearly the salinity of seawater where the bays meet the sea. These zones of varying salinity are very important to marine life. When changes are made by the unnatural addition of dissolved salts, the habitat is changed—either the area becomes completely useless for marine life causing them to leave, or destroys marine organisms outright.

Fortunately, many oil producers, who produce vast amounts of concentrated brine, are disposing of it by reinjection into the geologic formation from which it was pumped. If all producers—including other mining interests—did this, none of these salty waters would be able to contaminate surface waters so necessary to fish and wildlife.

Suspended or settleable solids are another matter. Silt, sewage solids, and industrial waste slurries, cause surface waters to become turbid and may contain substances which are poisonous or otherwise make water unfit for living creatures.

Large amounts of iron, either dissolved or suspended, can coat the gills of fish and other gill-breathing animals with iron deposits and prevent them from exchanging waste carbon dioxide for oxygen. This causes them to suffocate. The same problem is sometimes caused by pulping wastes from paper and paper board manufacture.

Throughout history until the present, industry has traditionally used streams, rivers, bays, and oceans as receptacles for disposal of unwanted wastes. Pollution of surface waters has been looked on by many as the "necessary result" of our economic and industrial systems. It has often been said that "the solution to pollution is dilution." This approach can no longer be tolerated.

TEMPERATURE

In the United States today, almost one-half of all water used for all purposes is for cooling and condensing by power and manufacturing industries. The power industry alone used more than 40 trillion gallons in 1964. Other industries used in excess of another 9 trillion gallons. The amount of waste heat released into lakes and streams, bays and estuaries, even with some onshore cooling, is almost incalculable.

Generally, water used by the power industry in conventional steam plants for one-through cooling is raised 10 to 15° above its intake temperature and is then released into surface waters unless some form of onshore cooling is employed prior to discharge. The danger is this: such discharges are capable of raising surface water temperatures to a point to which fish and other aquatic life cannot adjust. Therefore, they are forced to avoid heated areas or die. In addition, increased temperature reduces the amount of oxygen the water can contain, increases rate of chemical reaction of other pollutants, and increases toxicity of many poisonous substances.

In streams, large amounts of heated water can, and sometimes do, cause thermal blocks preventing fish moving upstream to the cooler waters above the point of discharge. In lakes that are sufficiently deep and large, warmwater fish species such as channel catfish and largemouth bass may not suffer too greatly, and in winter, the heated water often provides excellent fishing since such fish tend to move to the area with the most agreeable temperature. However, coldwater fish, such as rainbow trout and salmon, may be completely eliminated by increased water temperature.

In bays and estuaries along the Texas coast, waters are generally shallow in those areas used as nursery grounds by fish, shrimp, crabs, and oysters. Summer temperatures may naturally reach 95° F or more; therefore, any substantial releases of heated waters into these large areas can only remove such areas as habitat for marine life during the summer when they are needed most as nurseries.

Two examples of the direct effect of heated waters on marine life should suffice to point up the danger of released heated waste water into coastal waters during the summer months. At prolonged temperatures above 95° F oysters close their shells and cannot feed properly. Since they cannot move, prolonged exposure to heated water may cause them to die of starvation, even if the water is not hot enough to kill them outright. Also, according to the U.S. Bureau of Commercial Fisheries, brown shrimp cannot live in waters with temperatures in excess of 95 to 97° F. Thus, areas affected by large volumes of heated discharges are destroyed habitat.

In most cases regarding Texas' inland waters, Texas Water Quality Requirements state that the upper limit of the representative water temperature is 96° F and surface water temperatures are not to exceed a five-degree rise in this representative temperature above natural conditions. In coastal waters, during fall, winter, and spring, water temperatures are not to exceed a four-degree rise in representative temperature above natural conditions, while in summer this rise is not to exceed more than 1½ degrees.

Because fish and other aquatic or marine life have no control over their body temperatures, environmental temperature is extremely important. Heated discharges can be beneficial during the cool and cold months of the year, but in the warmer months, especially in streams and shallow waters already heated by the sun, increased temperatures due to large releases of industrial cooling waters can be deadly or can completely eliminate large areas as valuable nursery grounds or fish habitat.

Because of the effect of temperature on fish and aquatic life, the Federal Water Pollution Control Administration states, "A temperature of 95° F is about the maximum acceptable for aquatic life." Therefore, it is obvious that it would be best if all waste waters released into surface waters did not exceed 95° F, especially where warmwater fish and other desirable aquatic life exist. Even here, the waters receiving the heated wastewater discharges must have sufficient volume to absorb the waste heat without ill effect to aquatic life.

TOXIC SUBSTANCES

Up to this point only the natural or mechanical effects of pollutants have been reviewed. But, many substances introduced to natural waters are directly toxic or poisonous to living things. Just a few of these are phenolic compounds, sulfides, cyanides, and heavy metals such as copper, chromium, and zinc.

Phenolic compounds are used as disinfectants, such as carbolic acid, and are among wastes produced from petroleum refining, and the manufacture of petrochemicals and coal tar products.

Extremely small amounts of phenolic compounds may not be toxic to fish but do cause them to have an unpalatable phenolic taste. A dangerous aspect of phenolic wastes to fish is that the toxicity of phenol increases as oxygen concentration in the water decreases. Thus, the presence of small amounts of phenols magnify the effects of other pollutants which reduce the amount of dissolved oxygen.

According to the Federal Water Pollution Control Administration and the U.S. Public Health Service, not more than 0.2 ppm phenols are acceptable in surface waters for fish, and industrial effluents should not contain more than 0.1 ppm at the point of discharge into surface waters. Also, there is evidence which suggests that the toxicity of phenolic compounds to aquatic life is even greater in the softer natural waters.

Metallic copper does not dissolve in water but many copper salts are very soluble and poisonous in varying degrees to fish and other aquatic life, including plants depending on water hardness and temperature.

Although soluble copper salts in minute amounts up to 0.05 ppm may be naturally present in some waters, more often they enter surface waters with industrial waste discharges. In industry, copper is used in electroplating, photography, textile manufacturing, pesticides, and many other industrial processes.

There are reports of the toxic effects of copper to fish and other aquatic life in concentration of as little as 0.015 to 3.0 ppm. In salt water, only 0.13 to 0.5 ppm absorbed in the flesh causes oysters to be green in color and makes them unfit for human consumption. Oysters, as you know, permanently attach themselves to the bay bottom and pump water through their bodies to strain out whatever food it may contain. Once attached to the bottom, they either grow and multiply or die and are lost. Any pollutant which is absorbed, stored, and concentrated in their bodies is hazardous because of the tremendous quantities of water they filter.

Zinc salts, such as zinc chloride and zinc sulphate, are used extensively in many industries—in the manufacture of paints, cosmetics, dyes, and insecticides for example. They can therefore be expected to be present in industrial wastes as well as domestic wastes.

Soluble salts of zinc are very toxic to fish and other aquatic life and where soluble copper is present, zinc toxicity is increased.

It is known that fish eggs exposed to zinc in solution are delayed in hatching and the actual numbers of such eggs which do hatch are considerably reduced. Also, there are reports that young hatchery fish, transferred from pond to pond in galvanized pails for stocking purposes, suffered toxic effects of zinc contained in the galvanized coating.

In saltwater, oysters are known to concentrate zinc, and very small amounts are reported to be dangerous to them. According to the U.S. Public Health Service, concentrations toxic to fish range from 0.3 to 4.0 ppm—these toxicities depending on hardness of the water. The softer the water is, the greater the toxicity of zinc to aquatic life.

Like the salts of copper, chromium salts are toxic to aquatic life varying with temperature and particularly with water hardness.

The metal finishing industry is the greatest single source of chromium wastes but chromium—as are chlorine and cadmium—is commonly used as a corrosion inhibitor in cooling water systems of steam-electric plants and other industries where waste heat is removed through cooling water systems.

Though the toxic effect of chromium salts on fish is not clearly understood, fish food organisms such as water fleas have been harmed by as little as 1.2 ppm chromium chloride. It is known that algae concentrate chromium one hundred or more times over the concentration contained in the water.

The Federal Water Pollution Control Administration suggests that the maximum allowable amount of chromium in industrial waste effluents "can be expected to be less than 1.0 ppm."

As little as 0.05 to 0.15 ppm of most cyanide salts have been reported to have killed fish. Cyanide can be present in waste waters from industries such as steel refining, metal cleaning and electroplating, chemical manufacturing and petroleum refining. They are poisonous substances which become even more toxic as temperature increases. The cyanide salts of zinc and cadmium are extremely toxic.

Waste sulfides are produced by such industries as pulp and paper mills, chemical plants, tanneries, and oil refineries. Sulfides are also produced in the decomposition of sewage.

Research by the Texas Parks and Wildlife Department fisheries biologists has shown hydrogen sulfide to be a major factor in the death of young catfish in the softer, more acid waters of East Texas. In certain lakes it was learned that, although channel catfish spawned, their eggs would not hatch properly and hatchery-reared catfish fry stocked in these waters would not live. Lethal sulfide concentrations ranged from 0.5 ppm for catfish fry to 1.4 ppm for adult catfish. Federal Water Pollution Control Administration sources suggest that sensitive fishes may be killed by concentrations of sulfides from as little as 0.5 to 1.0 ppm "even in neutral and somewhat alkaline solution."

PESTICIDES

A limited number of toxic substances have thus far been discussed. In most cases they were relatively simple, inorganic chemicals. Chemical industries today, however, are producing complex organic compounds faster than they can be evaluated. In terms of their immediate, or especially, their long-range effects on living things or upon the environment, little or nothing is known.

Perhaps the most insidious of all the organic compounds are the chlorinated hydrocarbons and the organophosphates. These are the chemical groups to which many of the present day insecticides belong.

Who would have believed that DDT, which had such promise toward controlling insect-transmitted diseases at the end of World War II, would today be found in tissues of animal life at Antarctica? Who would have believed that fish such as the coho salmon in Lake Michigan would be so contaminated with deadly DDT that tons of commercially harvested salmon would have to be confiscated to protect the health of unsuspecting consumers?

The truth about DDT in Lake Michigan coho salmon, according to the Federal Food and Drug Administration, is that confiscated fish contained DDT residues up to 19 ppm. Amounts of DDT tolerated in meats are only 7 ppm.

No one knows how these salmon accumulated so much DDT. But it is suspected that the concentration of DDT was a step-by-step buildup in the fish's food chain through what is technically called biological magnification. For example; DDT was applied on a widespread area to control some insect pest of agriculture or perhaps forestry. The residue washed off the land by rains and into the surface waters. Next, microscopic plants and animals absorbed and concentrated the DDT. They were then eaten by some higher form of life such as small forage fish or minnows. Minnows concentrated DDT even more and were in turn eaten by larger fish, more and more concentrating the DDT until 19 ppm were contained in the bodies of coho salmon.

It is known at present that DDT, its derivatives and other "hard pesticides," are stored in the fatty tissues of virtually all living things. What is not known, and what may not be known for generations, is the long-range effect of such pesticides on all life forms. We do know peregrine falcons are nearly extinct, reportedly because of DDT. We suspect the brown pelican, formerly common on the Texas coast, has almost disappeared possibly because of DDT. We do not know how this pollutant will affect life in years to come. We can be sure, however, that it will not be for the better.

Some pesticides are safer than others but none are completely safe and those that have long term, residual toxicity are the least safe of all. To illustrate their extreme toxicity to aquatic and marine life, it is known that DDT in concentrations as little as 0.6 ppb (parts per *billion* parts of sea or bay water) will immobilize or kill a shrimp population in two days. Also, oysters stop feeding in water containing only 1.0 ppb DDT, and oyster shell production is prevented or stopped when only a few parts per billion of DDT are present.

Research studies have been conducted with many species in the presence of various pesticides. To compare toxicities with a familiar fish species, research reports show bluegills (a small sunfish locally known as "sun perch" or "bream" in various parts of Texas) have been killed by as little as the following concentrations of these pesticides: Chlordane—22 ppb, Heptachlor—19 ppb, DDT—16 ppb, Aldrin—13 ppb, Dieldrin—7.9 ppb, Toxaphene—3.5 ppb, and Endrin—0.6 ppb.

None of these values are absolute because lethal toxicity varies with the size and condition of the animals. In addition, if other pollutants are present, the animals already may be affected and very little additional pollution may cause them to succumb quickly. However, these values illustrate the comparative toxicity of these deadly chlorinated hydrocarbon compounds.

The reason so much is heard about DDT is because so much of it has been used and it lasts so long as a toxic residue. Imagine what could happen to fish and wildlife if, for example, a thousand acres of land infested with fire ants were treated with 30,000 pounds of dieldrin. Suppose, just after application a six or seven-inch rain fell on the area. The result of the runoff containing dieldrin entering a river could wipe out all life along the entire course of the river to the sea. And life in the sea would also be affected. Shrimps and oysters, fish, and crabs could be destroyed by the tons. The animals that would eat these dead and dying creatures might also be killed or in some other way harmed to the point that they might slowly but surely head toward extinction.

We do not recommend that the use of all pesticides be halted. We do recommend that extreme care should be practiced in using pesticides, particularly those that have long-term residual effect on living things. Serious consideration should always be given to the possibility of dangerous contamination of the environment before the decision is made to use pesticides. Plans for wide scale applications particularly need very critical review.

What we have written has been for a single purpose: in some small way, to make people aware that sources of pollution are everywhere around us. In the volumes of scientific literature, much has been written in technical detail about the effects of pollutants on fish and wildlife and on the entire environment. But, such papers are difficult reading even for the scientist and are not published in places where the average person can find them.

We have a sufficiently advanced technology to purify water for our own use; however, fish and wildlife have no choice but to use the water available to them. If the water is unfit to support life, animals will either avoid such water or die unless we treat waters to make them harmless—not only to us—but also to these other forms of life. This is our duty, even if the cost is high.

This article has barely scratched the surface. But, hopefully, what is here should bring to the reader an awareness of pollution and some of its hazards. Once the majority of people become aware of a serious problem, solutions will be found.

In the United States, where single-minded purpose and effort have fashioned the means to put man on the moon and to photograph Mars from a space vehicle, similar purpose and effort will find the means to protect and preserve the environment which we share with our presently abundant fish and wildlife.

MOBILIZATION BACKERS

Mr. FANNIN. Mr. President, there is new evidence that the backers of the November 15 movement are not sailing under their true colors.

I ask unanimous consent, Mr. President, to insert in the RECORD resolutions adopted on October 12 by the Stockholm Conference on Vietnam titled "November 15 Day of International Mobilization To End the War in Vietnam."

First it should be noted, Mr. President, that the Stockholm Vietnam Conference was also one of the participating organizations in the Communist controlled World Assembly for Peace held in East Berlin in June of this year. Others present at that meeting behind the Iron Curtain were Barbara Bick, national editor of the Women's Strike for Peace Newsletter, and Irving Sarnoff, Los Angeles, Peace Action Council. Both of these people are listed on the Steering Committee of the New Mobilization Committee which is the principal sponsor and organizer of the November 15 affair. All of this information, Mr. President, I have inserted in the RECORD previously.

When you read the resolutions, Mr. President, you will see references to the so-called fall offensive which began with demonstrations in Chicago in connection with the trial of the "Chicago eight."

It is coincidental that the open letter to the American people, which originated in Hanoi and was such a blatant interjection of anti-American ideology into domestic affairs, used the same language? Did the Premier of North Vietnam simply happen upon the use of the same term when he concluded his letter with the phrase, "May your fall offensive succeed splendidly"?

The evidence is mounting, Mr. President, that this whole antiwar movement was spawned in totalitarian circles and designed to take advantage of the natural desire of all Americans to see peace achieved in Vietnam and the war brought to an honorable solution.

Even the use of adjectives is the same. All of these groups pick up the phrase "immediate, total, and unconditional withdrawal."

Those who wish to join in with this group, the New Mobilization Committee, are certainly free to do so. Those in political circles who wish to lend their name and ostensible support are not prevented from doing so under the laws of our Nation. They may, however, be treading dangerously close to a violation of their oath of office in being sworn to uphold and defend the Constitution and defend it from all enemies both foreign and domestic. They will, I am sure, be held accountable for their actions by the people who placed them in a position of public trust.

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

NOVEMBER 15 DAY OF INTERNATIONAL MOBILIZATION TO END THE WAR IN VIETNAM

Resolution: Adopted October 12, 1969

The Stockholm Conference on Vietnam welcomes the formation of the broadest coalition of US anti-war forces yet known

which have joined together in the New Mobilization Committee to End the War in Vietnam to mount a series of massive demonstrations. The Fall Offensive began with demonstrations in Chicago on September 24 in support of the 8 Anti-War leaders on trial for conspiracy. The campaign will continue with the Vietnam Moratorium on October 15 and will culminate in mass national demonstrations in Washington and San Francisco from November 13 to 15. The New Mobilization Committee is committed to the immediate, total and unconditional withdrawal of US forces and war material from Vietnam.

The Stockholm Conference wholeheartedly supports the Fall Offensive and calls for mass demonstrations throughout the world on November 15 to match the unparalleled outpouring of popular opposition to the war now spreading across the United States. All actions on this day of international mobilization should be centered on the demand of the Vietnam Appeal calling for immediate, total and unconditional withdrawal of all U.S. and allied troops from South Vietnam. This is the only basis for bringing the war to a rapid conclusion. In those countries linked to the U.S. war effort there should be demonstrations demanding an end to these pacts of complicity.

We join the New Mobilization Committee in calling for a campaign which will not end on November 15 but will rise in intensity until U.S. aggression in Vietnam is ended and the Vietnamese have won the independence and peace for which they have fought so long.

VIETNAM APPEAL

Resolution: Adopted October 12, 1969

To respect the Vietnamese people's fundamental national rights: independence, sovereignty, unity and territorial integrity—and the right to self determination of the people of South Vietnam.

We demand the immediate, total and unconditional withdrawal of all U.S. and allied troops from South Vietnam.

PRESIDENT'S PROGRAM FOR THE MERCHANT MARINE

Mr. MATHIAS. Mr. President, I thank the Senator from California for yielding me a brief amount of time to express my strong support for the President's program in the area of the merchant marine.

When the President originally announced his objectives in the field of the merchant marine, it breathed a new spirit of hope and life into our whole maritime industry. With this message and with the legislation which will follow this message, I think everyone now more than hopes; there is a real substance for belief that the American merchant marine is on the way back to that preeminence in the maritime industry, in commerce on the seas, that this Nation enjoyed for so many years.

I appreciate the Senator from California's yielding me this time to say now that I strongly support this legislation and that I hope it will have an easy passage through the Senate. I am going to do all I can to make it so.

THE ALABAMA-COUSHATTA INDIAN RESERVATION EXPANDS BIG THICKET TOUR

Mr. YARBOROUGH. Mr. President, the Alabama-Coushatta Indian tribes who live in southeast Texas are widely known for their conservation work. These two tribes have practiced their culture of conservation on their tribal lands since 1854. As a result of their efforts, the last virgin hardwood forest in Texas has been preserved.

The tribal members, in addition to their many other activities, conduct guided tours of the Big Thicket area. The tour takes visitors into the remote wilderness areas, where they may see the rare wildlife and botanical wonders for which the Big Thicket is famous.

In a article recently published in the Citizens Journal of Atlanta, Tex., on July 31, 1969, it was announced that as a result of constantly increasing numbers of visitors to the Big Thicket, the tour has been expanded and new facilities constructed to accommodate the public. It is estimated that 130,000 persons will visit the Alabama and Coushatta Reservation and the Big Thicket this year.

Unfortunately, the Big Thicket is in danger of being lost forever. With each day that goes by, another 50 acres of the Big Thicket are destroyed by the bulldozer and chain saw. To save a portion of the Big Thicket for future generations, I have introduced S. 4, which would create a 100,000 acre Big Thicket National Park. This bill has gained wide support from civic and conservation groups throughout the United States. However, time is growing short. We must act now if the Big Thicket is to be saved.

Mr. President, 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:

RESERVATION ADDS BIG THICKET TOUR

LIVINGSTON.—Texas' only Indian Reservation, home of the Alabama and Coushatta Tribes near Livingston, Texas, has added a new interesting area to their Big Thicket Tour.

Recently Sen. Ralph Yarborough, who is introducing a bill in congress to create a Big Thicket National Park next to the reservation, made the maiden tour on one of the Indian Reservation's four wheel drive tour vehicles into the virgin forest and swamp land of the reservation previously inaccessible by vehicles.

The tribal members have practiced their culture of conservation on the land held by the tribes since 1854. As a consequence, the only known virgin hardwood forest remaining in Texas can be seen on the reservation.

The reservation has more state champion trees (largest of a species in Texas) than any other property in Texas and possibly the United States. The state champion trees are water tupelo, Texas honeylocus, Schumard oak, American hornbeam, Hercules club, water hickory, white ash, mockernut hickory, red maple, American beech, shagbark hickory and long leaf pine. Two of the trees, water tupelo and Texas honeylocus are national champions (largest of a species in the United States).

The Big Thicket Tour, which leaves the reservation museum every thirty minutes from 10 a.m. to 5 p.m., is one of the most fascinating rides for people who enjoy natural beauty remaining in the United States. Naturalists from all over the world have come to the reservation to see these trees.

Roland Poncho, a tribal member and assistant superintendent states, "this extended tour of the Big Thicket area has been made possible by the generous attendance of visitors who have made it possible for reservation business to grow and construct new facilities for the enjoyment of the public."

This year 130,000 persons are expected to visit the reservation. So that visitors may stay overnight, 42 camping units have been built with all necessary facilities including swimming and fishing.

RELEASE SOUTH VIETNAM POLITICAL PRISONERS

Mr. HARTKE. Mr. President, for 19 months an outstanding patriot of South Vietnam, Truong Dinh Dzu, has been imprisoned for vague and unsubstantiated charges that disgrace the ideals of justice. He has been the victim of the political insecurity of the Saigon regime which refuses to tolerate any criticism of its uncompromising policy of war.

In the elections of 1967, Truong Dinh Dzu campaigned for the presidency of his country on a platform that called for a negotiated settlement of the war that would repair the wounds of the nation. In spite of the efforts of Generals Thieu and Ky to misrepresent and silence his position, Mr. Dzu finished a close second in the balloting. Shortly thereafter, the Saigon regime—which does not abide political opposition—arrested Mr. Dzu and sentenced him to 5 years at hard labor.

I call upon President Nixon to bring pressure upon the Saigon regime to release immediately Truong Dinh Dzu from his unjust incarceration. Our efforts to depict South Vietnam as a democracy are ludicrous and hypocritical as long as its Government defines dissent as a crime against the state.

In South Vietnam, November 1 is traditionally a day when amnesty is granted to prisoners. General Thieu should free Mr. Dzu and all prisoners held for political reasons so that South Vietnam might benefit from the wisdom that has always dictated his political actions.

ARIZONA SAFEGUARDS FREEDOM WITH ORDER ON THE CAMPUS

Mr. GOLDWATER. Mr. President, I have spoken out on the problem of campus disturbances many times in the Chamber. My position has consistently been one of the strongest condemnation of activities which involve pillage, terror. riot, and other acts of unlawfulness.

At the same time I have stated my conviction that the first line of action for combating this irrational behavior can be and should be the colleges and local governments themselves. If the administrators of our institutions of learning would only take note of the seriousness of the revolutionary methods used by the architects of disorder, if the faculties and boards of regents would simply assume greater responsibility for maintaining academic freedom and order within the laws and procedures that have been established by organized society, and if the vast numbers of parents and citizens in each community who are devoted to the principles of reason and tolerance would make it clear that they demand and will back up steps to provide and safeguard the primary educational functions of the universities, then I believe

we shall see an end to the hooliganism and anarchy that is occurring at some of our places of learning.

In my opinion, the universities in the State of Arizona are demonstrating the wisdom of this kind of approach. The academic leaders of the Arizona institutions have proven their alertness to the dangers that face the university system. They have achieved a marvelous success in securing orderly conditions in a climate which is conducive to free discussion, inquiry and expression.

As an example of steps being taken in Arizona, I would like to mention the strength shown by Dr. Richard A. Harvill, president of the University of Arizona, who has steadfastly refused to respond to coercion or intimidation. Doctor Harvill has referred to the boycotting of classes, during the recent attempt at a moratorium day, as "the height of asininity."

Evidently the faculty of the university shared his view because they voted overwhelmingly to keep classes open on October 15.

Similar evidence of backbone has been shown by former president G. Homer Durham at Arizona State University. Dr. Durham clearly and publicly announced his resolve to meet threats to physical safety, life, and property at ASU with every means at his disposal, including expulsion.

Also, in Arizona, an ordinance was adopted by the Arizona Board of Regents in July of 1968, which clamps down on acts of disruption or violence on university property.

Mr. President, the distinctive aspect of the approach being used in Arizona is that it combines preparedness and a willingness to use State and local laws against violence and vandalism with a tolerance and respect for the right of individual students to engage in constructive outlets of discussion and inquiry. An excellent example of this sensible attitude is the adoption of a report this year by the Faculty Senate of the University of Arizona setting forth policies and procedures which govern the adjudication of disputes related to nonacademic activities of students. This report, which gives the utmost consideration to legitimate student views, was passed by the Faculty Senate without a single dissenting vote.

Mr. President, Doctor Harvill has written to me recently on this subject asking that we in Congress give an opportunity to the administrators and faculties of universities to face up to the problems occurring on their campuses and that we refrain from taking any precipitous action to penalize entire institutions because of the action of a few students.

Mr. President, the views stated in this letter are so thoughtfully presented and well-balanced that they should be brought to the attention of a wide audience. For this reason I ask unanimous consent that there be printed in the RECORD at the end of my remarks the text of the letter sent to me on October 15 by Dr. Harvill.

Also, I ask unanimous consent that there be inserted in the RECORD certain newspaper articles and documents relative to the efforts underway in Arizona to control the problem of campus disturbances.

Finally, in connection with the problem of university disorders, I have come across an excellent article authored by Prof. J. Timothy Philipps, who has taught at the West Virginia University Law School for 3 years. Mr. Philipps was the recipient of the 1969 Student Bar Association Law Professor Award at that law school, which is the highest honor that students can offer to a member of the faculty.

This fact makes the message of his article particularly impressive. That a young man who holds such a close rapport with students will write a realistic, no-nonsense criticism of the misuse of freedoms by the self-styled revolutionaries of the new left is a very encouraging sign. Since I believe that the piece deserves notice by the many readers of the RECORD and lends itself so well to my topic today, I ask unanimous consent that the article entitled "The Arrogance of Impotence," published in Jus et Factum, West Virginia University College Law, be printed in the RECORD.

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

THE UNIVERSITY OF ARIZONA,
Tucson, Ariz., October 15, 1969.

Hon. BARRY GOLDWATER,
U.S. Senate,
Congress of the United States,
Washington, D.C.

DEAR BARRY: I have watched carefully the expressions of reactions by members of the Congress and by special committees and commissions that have been established to study disorder and dissent on university and college campuses in the United States, especially during the last couple of years. I have given a great deal of consideration to the views of members of the Congress, as well as to those of business and professional leaders in all walks of life in this country. I have an enormous file pertaining to all of these questions and issues.

Although this problem is not a simple one, I shall try to confine my statement of views within a few short paragraphs. I accept the legislation by the Congress of the last session which places penalties upon students convicted of serious disorders on campuses of universities. The fact that students have engaged in this kind of endeavor should disqualify them individually for direct benefits under legislation providing for such benefits to students enrolled in universities and colleges of this country.

To extend this kind of legisaltion to provide penalties on universities that eliminate them from eligibility for grant funds, contract funds and student aid funds of various kinds would in my judgment be a serious mistake. It would penalize the entire institution because of the action of a few students. On the whole, the disorders that have occurred on campuses have been precipitated by a very small proportion of the students. The vast majority of the students, although concerned about contemporary problems and issues that face our society, are dedicated to peaceful and rational consideration of these issues. To penalize all of the students for what comparatively few students do in any institution would be contrary to all of the fundamental tenets of American justice. We can ill-afford to take action that will enhance the danger of causing a greater number of our university students, and indeed our citizens generally, to engage in thought and action that might bring ill-advised results.

Certain conclusions are rather clear to me. First, the more violent of the activist groups, for example SDS, seem to be breaking apart because of diversities within their own ranks and because they are so completely discredited in the eyes and minds of students generally. In the next place, the experience of university administrators and faculties based on what has already happened is making them extremely alert and there is more understanding of the dangers that face universities.

Moreover, in university after university, action is being taken to give much more consideration to the expressions of students who want adjustments within the framework of orderly procedure. Many administrators of universities who traditionally and very properly had viewed the university as an institution that permitted and encouraged freedom of speech to bring about a clear definition of issues on political and social considerations are now recognizing responsibility to go far beyond what was apparent and necessary initially when disturbances first began to occur. In my judgment, the situation in this respect is far different than it was even a year ago.

Moreover, almost every university in the country has recognized the importance of providing students with greater participation in both academic and nonacademic affairs than was thought to be necessary or desirable a few years ago. I am enclosing herewith a report of the Faculty Senate Committee of the University of Arizona relating to the adjudication of disputes related to nonacademic activities of students. This report evolved after approximately a year of consideration by a committee authorized by the Faculty Senate in response to student requests and appointed by the President of the University of Arizona. This Faculty Senate is comprised of about one-third administrative officers of the University and two-thirds nonadministrative faculty members, with a total of 72 members. It was passed by the Faculty Senate without a single dissenting vote. This same sort of thing is happening at universities throughout the land. Legitimate student views are being given the utmost consideration. The demands and arrogant protests of students who are not reasonable and that lead to disruptive and disorderly behavior on campuses are being submerged in effect by constructive student endeavors that are now occurring.

Governing boards of universities throughout the country are concerning themselves more with these many complex problems. Many policy actions have been taken by these governing boards. Here in Arizona, an ordinance was adopted by the Arizona Board of Regents in July, 1968, which has been very helpful in calling attention to inappropriate endeavors on the campus of this University and of the other universities under the jurisdiction of this governing board. Many editorials and news stories have occurred in the papers of Arizona in support of reasonable student dissent and of the importance of giving attention to student views, but at the same time adhering strictly to a policy of order and peaceful operation that does not interfere with the rights and privileges of those who disagree with any particular point of view.

As you well know, the University of Arizona and the other two universities of this State under a common Board of Regents have experienced phenomenal success in maintaining orderly conditions.

I want to express on behalf of the University of Arizona appreciation of the endeavors of the members of the Arizona congressional representation who have spoken out in defense of the action of Arizona universities and who have had a very significant effect upon the thinking of members of the various segments of the universities of this State.

My own position at the University of Arizona has been simply that the Board of Re-

gents under the constitution and statutes of the State of Arizona does have sufficient authority to exercise its responsibility in close support of and cooperation with the administrations of the universities of this State. The Board generally has taken that point of view. This simply means that the state and local laws against violence, vandalism, and other disorders, if enforced, will provide adequately for the contingencies that may develop.

It is well known that the University of Arizona has sought and secured restraining orders in certain cases and has been ready in other cases, if necessary, to secure the action of civil authorities to maintain an orderly campus. Under no circumstances should court action and police enforcement be resorted to unless necessary. Preparedness, though, is absolutely essential. The number of cases in which restraining orders and other civil action has been used in universities throughout the country has increased enormously during the past year. Court decisions generally have been favorable when actions have been brought.

In brief, I believe that action by the Congress to cut off support to institutions in case of disorder is unnecessary and indeed would have a counterproductive effect by playing into the hands of the comparatively few revolutionary radicals and would punish the entire academic community. The members of every national and regional association that has taken action after consideration of these problems has gone on record in opposition to Federal legislation beyond what has already been enacted. Universities generally have demonstrated greater responsibility for maintaining academic freedom and order. This position of the component elements of the university community generally—administration, students, faculty, and governing boards—is that of assuming fully this responsibility and of acting in a manner that is acceptable in the face of very trying conditions.

Universities and colleges have responded magnificently to the needs and requirements of the Federal Government by providing assistance in carrying on research and providing many other kinds of programs that have helped to maintain and develop national strength.

Even though a few universities may have missed the mark in meeting the levels of their responsibilty, the answer is not found in the over-reaction of the Federal Government in a manner that might well be calculated to intensify and aggravate problems that already beset us.

I feel very keenly the sense of responsibility that I have and my colleagues, administrative and other faculty both, share this great sensitivity to our responsibility. It is my firm conviction based on experience at this University and on participation in many discussions in meetings and conferences of colleagues throughout the country that the constituent elements of universities throughout the land are responding and will continue to respond to the requirements of their well-established responsibilities.

Finally, the universities of this country have achieved a greatness never equaled or excelled in the entire history of the world. I am firmly convinced that the excellence of attainment will be enhanced only by retention in the universities of the same measure of responsibility in the future that they have borne so well in the past.

Respectfully yours,

RICHARD A. HARVILL.

[From the Tucson (Ariz.) Daily Star, Dec. 17, 1968]

STUDENTS PRESENT LIST—HARVILL SPURNS RACE DEMANDS

(By Martin Haynes)

Demands for minority recognition on the University of Arizona campus by black and Mexican-American student groups and an ultimatum for administrative action prompted UA president Richard A. Harvill to say last night:

"I have never failed to respond to reasonable requests of students, but the university will not take action on demands or ultimatums."

In concerted efforts by the Black Student Union, the Mexican-American Liberation Committee and other campus groups, this week has been designated "Student Power Week" on the campus.

Purpose of the drive reportedly is to focus attention on what they term "racial injustice, both subtle and obvious" on the UA campus.

Oliver Lee Hill, chairman of the campus Black Student Union of Aware Africans Board, met Saturday with Harvill.

Hill presented Harvill with a 10-point list of demands by the BSU, one of which is that by Jan. 8 meetings be started on campus by the president "to work out agreements regarding BSU demands. The BSU is willing to do anything necessary to obtain its goals, Hill said he told Harvill.

The Mexican-American Liberation Committee, an adjunct of UA's Mexican-American Student Assn. headed by Salomon Baldenegro, has submitted to Harvill similar demands for "corrective action" with regard to Mexican-American students.

Baldenegro told the Star yesterday that his committee and the BSU have correlated their aims, with support from student body president Steve Malkin, the Students for Peace Assn., the Young Democrats, the Young Republicans and others.

Hill said the "gist of the demands is that we as students feel minorities in American society have been left out of white American culture.

"We supposedly live in a pluralistic society, but the education system is the biggest perpetrator of Anglo-Saxon, Protestant culture.

"Incorporated in this culture, minorities have contributed significantly, and its time we let the world know that we live in a pluralistic society.

"This brings us to the necessity of minorities having their contribution in the American Education system.

"Thus we will break down sterotypes. We hope the student body and administration will be compassionate enough to understand and respond favorably."

Hill reiterated to the Star, "as I told Dr. Harvill, the administration must be prepared to accept the consequences if the meetings called for are not scheduled."

[From the Tucson (Ariz.) Daily Star, Dec. 20, 1968]

DR. HARVILL IGNORES SECOND RALLY—UA DISSIDENTS STAGE FUTILE GATHERING

Another demand for University of Arizona President Dr. Richard Harvill to appear before a crowd of about 800 dissidents was staged yesterday in front of the school administration building.

It was the second mass call for Harvill to publicly answer lists of demands presented by the Black Student Union and the Mexican-American Liberation Committee.

Nearly 1,000 persons—students, some faculty members and observers—attended a similar rally Wednesday.

The president failed to appear at either session.

Harvill said in an Arizona Wildcat, campus daily newspaper, interview, that he will confer with colleagues and deliver a written response to the groups' demands in early January.

The university will close for the holidays following classes Saturday until Jan. 6.

The Black Student Union had planned to call the gatherings daily until Harvill responded. However, Mike Hester, BSU public relations chairman, said yesterday:

"Don't come here and waste your time with these administrators. All they will listen to is violence." He added:

"On every other campus they are using violence. But here we are doing something constructive and they will not respond . . . Security men are ready to lock the doors and react only if we do something disorderly."

"The only thing we have to throw at you (administration) are words and ideas, and I think that is what a university is all about," said Mike Price, UA law major.

Sal Baldenegro, Mexican-American Liberation Committee chairman, told the group there will be no violent incidents. "But we will not back down from our issues," he said.

[From the Tucson (Ariz.) Citizen, Sept. 8, 1969]

IF RIGHTS RESPECTED—UA'S PRESIDENT HARVILL PROMISES FRESHMEN FREE EXPRESSION

(By Bob Knight)

University of Arizona President Richard A. Harvill today promised new students that they will have complete freedom of inquiry and expression—as long as the rights of those who disagree with them are respected.

"You can express ideas and opinions even though they may be unpopular, even though some may appear—and may be—foolish," Harvill said in a welcoming address.

He urged students to use some "historical perspective" when discussing social issues. "In many cases these problems are not new and it is well to find out what has been done in the past," he said.

"Universities have to exercise a considerable amount of patience in dealing with unrest," Harvill added. "We must preserve the rights of all members of the university. We must preserve the rights of those who disagree."

Harvill told freshmen, "You will not appreciate what has been done for you here and what the university will do for you until you leave."

He added that the university's prime goal is to give the student a "stamp of competence" when they get their degrees.

Harvill praised what he called the decentralized organization at the UA. "A great deal of personal relationship persists at the university. During your stay here I hope to get to know as many of you as I can," he said.

[From the Arizona Daily Star, Oct. 8, 1969]

FACULTY UNIT WON'T BACK BOYCOTT

The University of Arizona Faculty Senate voted overwhelmingly Monday night to keep classes open Oct. 15.

Two representatives from the Associated Students ad hoc committee on the Vietnam Moratorium, urging a boycott of classes Oct. 15, asked the senate to allow faculty members to cancel classes that day.

In reply, the senate said: "The faculty senate acknowledges that a large segment of the student body is actively concerned with a problem of great magnitude confronting our nation.

"While the university encourages those committed to a social and political cause to actively organize and work in its behalf, it is neither legally possible nor desirable that the faculty senate endorse an official boycott of classes on Oct. 15.

"To do so would deny to those students who do not wish to participate in the boycott the educational opportunities to which they are entitled, having paid university tuition and fees."

The two students, Linda Billings, chairman of the ad hoc committee, and Warren Frank outlined plans for the three-day moratorium to begin Oct. 13. They plan to sponsor speakers' corner dialogue, forums and movies in which opinions on the war will be presented.

The students said that orderly and peaceful demonstrations are being planned.

[From the Arizona Daily Star, Mar. 13, 1969]

ASU To Meet Threats, President Durham Says

TEMPE.—Every means at its disposal will be used to meet any threat to physical safety, life or property at Arizona State University, President G. Homer Durham said Wednesday.

Durham told a Charter Day audience the peaceful students, the faculty and the staff were "fed up with tolerating bad manners."

"The overwhelming majority of faculty, students and staff deplores the occasional prostitution, always well-publicized, of the university's freedom—but toleration of bad conduct, within the law, is one of the burdens carried by freedom-loving people."

Durham told the campus audience patience was wearing thin among the peaceful students.

"We do see virtue in the right to advocate, peacefully, fully and rationally, significant ideas in the context of university life. Some citizens have advocated the application of force and violence to quell unrest.

"But the university rejects this solution until all other remedies and professional skills have been exhausted," Durham said.

The ASU president said the public should not confuse the noisy efforts of a few students with the thousands of students attempting to seek an education.

"I believe firmly that our faculty, students and staff are not about to be duped by sirens or sorcerers of either the left or right."

ASU Crackdown

It is being said that Arizona State University did not crack down hard enough when it placed on probation five student radicals who were disorderly during a recent campus appearance of Gov. Jack Williams.

And indeed, there is no denying that expulsion would more forcefully have brought home to the rabblerousers that ASU does not intend to tolerate the bad manners and anti-democratic conduct which have brought larger universities to a grinding halt.

But under the circumstances—the fact that the radicals were noisy and insulting, but not destructive or particularly effective—the decision of the committee of six professors and four students will probably have the intended dampening effect.

And if there is a next time, involving any of the five already disciplined or any other actors in the activists' "Children's Garden of Versus," it will not be too late for expulsion.

On the national level, the Nixon administration made a valuable contribution to sanity in academia when the President recently denounced campus disorders as a threat to intellectual freedom and civilization itself.

It's too bad the nation had to endure a half-dozen years of campus riots and insurrection before a chief executive could bring himself to denounce the rioters. But now that Mr. Nixon has, and has pledged that his administration will enforce the statute barring interstate travel to incite riots, perhaps support will be forthcoming from the many administrators and faculty members who until now have acted as though there was something vulgar about using force to put down rioters.

Nothing can destroy academic freedom faster than condoning anarchy and destruction in the name of academic freedom.

[From the Phoenix (Ariz.) Republic, May 22, 1968]

Expulsion for Rioters: Durham

TEMPE.—The president of Arizona State University issued a warning yesterday that any students who participate in the illegal seizure of campus buildings can expect to be expelled.

The statement by Dr. G. Homer Durham was contained in "The Faculty Bulletin," published yesterday on the ASU campus.

In Tucson, Dr. Richard A. Harvill, president of the Univrsity of Arizona, said he was in general agreement with Durham's statement, which said, in part:

"Any members of the university community who disregard the peaceful, rational and orderly processes of university life, and who do not voluntarily withdraw themselves from the university, who resort to violence, misappropriation, or misuse of university facilities, can and must expect the due process of university regulations and of the law, including expulsion and dismissal for cause."

Neither ASU nor the UofA campuses have sustained any disorderly student or demonstration activities such as have occurred within the past several weeks at Columbia University, in Paris (where the student revolt has generalized into a paralyzing nationwide strike), and elsewhere.

Dr. Harvill told The Arizona Republic:

"I have perfect confidence in the students and faculty at the University of Arizona, and I don't expect to have any reason to invoke any extraordinary authority . . . We don't have any situation that will require it."

He noted that the UofA is protected by the same regulations and state laws as ASU.

The Durham statement emphasized that "violence, the misuse or misappropriation of university property and physical actions interfering with or harmful to the rights of others cannot be tolerated."

"Those who engage in such practices must accept full responsibility for the consequences of their actions," he said, adding:

"We must all remember that the land, buildings, structures, space, access ways and walks, equipment and supplies at Arizona State University are the legal property of the Arizona Board of Regents, a body corporate and politic under the laws of Arizona.

"All facilities are assigned for use under this authority, for the good of education as set forth by the public law of the state and the regulations of the university. And Arizona statutes, the regulations and policies of the university prohibit the misuse or misappropriation of any university property."

He made a special point of saying that these regulations and laws apply to campus visitors and the general public as well as to the students, faculty and administration personnel.

Noting that "the university has a basic commitment to the processes of reason as the method of solving problems," Dr. Durham stressed that such commitment "on the part of faculty, staff, students and all members alike is absolutely critical to the life of the university."

He said that any grievances, complaints or problems can properly be presented for discussion and resolution through the "open channels to the president and to the governing board, including direct written petition."

"There are open channels beyond the Board of Regents to the elected governor, who appoints and is one of them, to the representatives of the people, and by initiative, to the people themselves," he said, adding that there are many recognized channels of appeal in the student government structure at ASU as well.

Finally, Dr. Durham noted, "The major committees and boards at Arizona State University contain student members (lack of student representation on such bodies was a grievance cited in at least one campus demonstration at an eastern university recently) and they exercise full voting rights in the significant government of the university carried by these organs."

The ASU president said the "Student Senate especially, and the executive student officers, provide clear and open channels for any matter of student concern."

Ordinance Regulating Use of, and Conduct Upon Properties of the Universities of the State of Arizona

(Adopted by the Arizona Board of Regents, July, 1968)

The grounds and properties of the three universities of the State of Arizona are owned by the State through the Arizona Board of Regents, for the use and benefit of the respective institutions. Such grounds and properties are devoted to and maintained for the sovereign function of supplying higher education to the people, and are not places of unrestricted public access.

Neither the State nor the Board is obligated to furnish or supply in such grounds and properties a forum or locale for the commission of crime, disorders, violence, injuries to persons or property, or the incitement or encouragement thereof, or any conduct or activity whatsoever which will interfere with or is harmful, disruptive, or inimical to the educational function aforesaid.

Accordingly, in the light of the foregoing and in the exercise of the jurisdiction and control vested in it by law, the Arizona Board of Regents hereby formally adopts and promulgates the following ordinance and regulation:

No person or persons may enter upon the grounds, buildings, roadways, or properties of the University of Arizona, Arizona State University, or Northern Arizona University, nor may a person or persons there be or remain, for the purpose of or in the actual or threatened commission of, any one or more of the following:

A breach of the criminal laws (state or national); violent obscene, or disorderly conduct; injury to or destruction of property; interference with free access, ingress, or egress; injury to person or persons; seizure or exercise of unpermitted control of properties of the institution; trespass; conduct harmful, obstructive, or disruptive to, or which interferes with, the educational process, institutional functions, contractual arrangements, or the public peace and tranquility; conduct likely to foment uproar, or violence; or the incitement, support, encouragement, aid, or abetment of any or all of the foregoing.

Access to, enjoyment of, and presence upon or within the areas aforesaid are conditioned upon compliance with the foregoing ordinance and regulation. Any and all persons not in compliance with the foregoing, or in threatened or actual violation thereof, will be denied entry to or upon such areas, or will be evicted therefrom, as the case may be. (Adopted as an Emergency Rule—Vol. XXII, p. 47, 48, July 6, 1968.)

Report on the Adjudication of Disputes Related to Nonacademic Activities of Students

(Adopted by the Faculty Senate of the University of Arizona)

The University of Arizona exists for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Procedures for achieving these purposes should be as unrestrictive as possible in order that the minimal standards of academic freedom of students outlined below are observed.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community.

Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. The University of Arizona has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn.

I. Freedom of access to higher education

The admissions policies of the University of Arizona should make abundantly clear the characteristics and expectations of students which it considers relevant to success in the institution's program. All such policies should be clearly and publicly stated. Under no circumstances should a student be barred from admission on the basis of race. Thus, within the limits of its facilities, the University should be open to all students who are qualified according to its admission standards. The facilities and services of the University should be open to all of its enrolled students.

II. In the classroom

The professor in the classroom and in conference should encourage free discussion inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

A. *Protection of Freedom of Expression.* Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

B. *Protection Against Improper Academic Evaluation.* Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

C. *Protection Against Improper Disclosure.* Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances.

III. Student records

The University of Arizona should have a carefully considered written policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Information from disciplinary or counseling files should not be available to unauthorized persons on campus, or to any person off campus without the express consent of the student involved except under legal compulsion or in cases where the safety of persons or property is involved. No records should be kept which reflect the political activities or beliefs of students. Provision should also be made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

IV. Student affairs

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

A. *Freedom of Association.* Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. Within a clearly defined University policy they should be free to organize and join associations to promote their common interests.

1. The official body charged with the responsibility of deciding such recognition should be composed of equal numbers of faculty, administration, and the student body representing as wide a diversity of interests as is possible. All such representatives should be full members with equal voting privileges.

2. The membership, policies, and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the college or university community.

3. Affiliation with an extramural organization should not of itself disqualify a student organization from University recognition.

4. Campus advisers are required for each organization, but it should be free to choose its own advisers. Campus advisers may advise organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.

5. Student organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers.

6. Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian.

B. *Freedom of Inquiry and Expression.*

1. Students and student organizations should be free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the University. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations students or student organizations speak only for themselves;

2. Students should be allowed under the sponsorship of officially approved campus organizations to invite and to hear any person of their own choosing. Those routine procedures required by the University before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The University control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the University of Arizona. The meetings may be restricted to students, faculty and staff.

C. *Student Participation in Institutional Government.* As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of University policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of University policy affecting student affairs and assigned areas of academic affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

D. *Student Publications.* Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the University authorities and of formulating student opinion on various issues on the campus and in the world at large.

Since financial and legal autonomy is not possible at the University of Arizona, the latter, as the publisher of student publications, would have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, the University should provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

University authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications the following provisions are necessary:

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

3. All University published and financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college, university or student body.

V. Off-campus freedom of students

A. *Exercise of Rights of Citizenship.* Students of the University of Arizona are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy, and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

B. *University Authority and Civil Penalties.* Activities of students may upon occasion result in violation of law. In such cases, University officials would be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but Univer-

sity authority should never be used merely to duplicate the function of general laws. Only when the University's interests as an academic community are distinct and clearly involved should the special authority of the University be asserted. The student who incidentally violates University regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. University action should be independent of community pressure.

VI. Procedural standards in disciplinary proceedings

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, The University of Arizona has a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulations of the use of University facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the students from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied but in every case all circumstances of the case should be considered. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of University officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations, procedural fair play requires that the student be informed of the nature of the charges against him, that he be given a fair opportunity to refute them, that the University may not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings.

A. *Standards of Conduct Expected of Students.* The University of Arizona has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations should represent a reasonable regulation of student conduct but the student should be as free as possible from imposed limitations that have no direct relevance to his education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings should be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations.

B. *Investigation of Student Conduct.* 1. Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as residence halls controlled by the University of Arizona, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the University the ordinary requirements for lawful search should be followed;

2. Students detected or arrested in the course of serious violations of University regulations, or infractions of ordinary law, should be informed of their rights. No form of harassment should be used by University representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. *Status of Student Pending Final Action.* Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being of students, faculty, or University property.

D. *Hearing Committee Procedures.* When the misconduct may result in serious penalties and if the student questions the fairness of disciplinary action taken against him, he should be granted, on request, the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of procedural due process in situations requiring a high degree of formality.

1. The hearing committee should include faculty members and students. No member of the hearing committee who is otherwise interested in the particular case should sit in judgment during the proceeding.

2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to insure opportunity to prepare for the hearing.

3. The student appearing before the hearing committee should have the right to be assisted in his defense by an adviser of his choice from the faculty, staff or student body.

4. The burden of proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him unless he has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the hearing committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript, there should be both a digest and a verbatim record, such as a tape recording, of the hearing.

8. The decision of the hearing committee should be final, subject only to the student's right of appeal to the President of The University of Arizona or ultimately to the Board of Regents.

[From the West Virginia University College of Law, May 1969]

THE ARROGANCE OF IMPOTENCE

(By J. Timothy Philipps)

(A certain quantum of power must always exist in the community in some hands and under some appellation. Edmund Burke, Reflections on the Revolution in France.)

Much has been written and said in the past months by the so-called new left and its apologists about the arrogance of power, the miscreances of the "establishment" and the outrages of the "power structure." The current intellectual fad (and it is just that, a fad) seems to be the pillorying of individuals, and more especially, institutions who represent the authority and accomplishments of our civilization. Little has been said, however, about the arrogance of impotence. If one notes the origin of the manifold diatribes directed against the power and authority of our social system one might perceive that the basic dissatisfaction of those from whom these emanate is precisely that others and not themselves are in a position to exercise effective control over the direction of our government and culture. This in itself might indicate something about the validity of the criticisms which have been made.

One might draw the inference that the real issue in the matter is not the efficaciousness of the values and ideals of one side or the other, but rather is simply which side, if any, is to occupy the dominant position in our society. This assertion is confirmed by statements such as that made by Mr. Mark Rudd who rose to notoriety as a result of last year's disturbances at Columbia University. When questioned about the motivations for the uprising, he candidly admitted that the alleged issues (e.g., the plans of the university to build a new gymnasium) were built up for the explicit purpose of providing an excuse for disruption.

The reasoning is simple. Disrupt, using as a basis any issue which happens to present itself. Make demands and continue to escalate them until they become so unreasonable as to be impossible to satisfy. Make the failure to meet demands a basis for confrontation. Use the confrontation to arouse sympathy among the passive and uncommitted. All of this is directed to the ultimate purpose of transference of total power to the disrupters. In short, revolution. Whatever other criticisms one might make of the new left, one certainly cannot accuse them of lack of candor.

The strategy is so well known that it is trite. The problem is, though, no one wants to believe them when they talk of such things as total revolution. To a rational mind their bizarre activities and fantastic aims seem so silly as to be a joke. But the fact is that these selfsame bizarre activities and fantastic aims can become a real threat. They are at this moment an imminent threat to one of our basic institutions, the university system. Witness the state of turmoil at so many places of learning where screaming marching and chanting have replaced the reasoned discourse so necessary to a functioning university. If our universities can be so easily undermined, it is not an altogether impossible notion that other of our institutions can also be. Surely, therefore, it is imperative to take this unhappy phenomenon seriously and to understand fully the logical implications of the philosophy which motivates those behind it. It is a threat to some of our most treasured values and institutions and must be faced.

[They] have a bigotry of their own; and they have learnt to talk against monks with the spirit of a monk. Edmund Burke, Reflections on the Revolution in France.

Still, the extremists are as yet basically impotent. They are able to disrupt but are not presently in a position to put into effect a program of action (if they have one). This leads to the reason for the title of this piece. The arrogant ones in our society are not those in positions of power. After all, a very prized value of the American "establishment" is toleration of diverse viewpoints and acceptance of the concept of the marketplace of ideas. The truly arrogant are the self-styled revolutionaries and their apologists. Their values are in their own eyes "absolutely true," their ideas and proposals are "non-negotiable," and they consider themselves entitled to resort to illegal force and violence to counteract their opponents because "error has no rights." It is interesting to note the parallels between this kind of thinking and that of earlier day religious fanatics. It may be that to the new left,

politics has replaced religion as the new fountainhead of dogma. In contrast to the reason and logic of the much maligned "establishment," emotion and irrational belief are the hallmarks of the new left; and these go hand in hand with arrogance.

The well publicized faith of many members of the new left in astrology is only one illustration of the dogmatism and irrationality inherent in the movement. The only other large scale Western political movement of recent times whose followers took widespread recourse to astrology was that of the German Nazis (another parallel that should not go unnoted). A further example of the abdication of rationality is the very tactics of dissent used by its adherent—lying down, going limp, spitting, screaming, name-calling—which are essentially characteristic of infantile behavior. The rule of law and reason is held in contempt; and the constitutional ideal of free, reasoned discussion, and tolerance for diverse viewpoints is in the words of the movement's philosophical messiah, Herbert Marcuse, "repressive and must, therefore, be suppressed." The disciples must go forth teaching all nations, and if a few individual freedoms are trampled along the way, this is perfectly all right, since it is all for a higher good.

It is easy to despise what you cannot get. Aesop, The Fox and the Grapes. People often grudge others what they cannot enjoy themselves. Aesop, The Dog and the Master.

If emotionalism and dogmatism are the hallmarks of the new left, how has it managed to gain the allegiance of a sizeable (though not substantial) number of University faculty members, whose profession has the avowed purpose of fostering rationality? S. I. Hayakawa has remarked that being alienated is a literary fashion among intellectuals today. This alienation seems to be most prounounced in the so-called soft subject areas of the liberal arts and social sciences. Often the liberal arts colleges of universities seem to be relegated by their administrations to a status subordinate to the technical and vocational schools. Those connected with the liberal arts are rightfully resentful and this may in some part explain the alienated attitude of some among them. But it is not the full explanation. If one examines the composition of faculty support for the new left one finds that it comes mainly from faculty members in the humanities and social sciences who are in the lower echelons of the academic hierarchy—those at the level of graduate assistant, instructor, and in some cases, assistant professor. These people are, as matters now stand, the least able by their position and training to modify the structure of existing institutions within the authorized framework for change. At the same time, the very nature of their fields of interest tends to breed within them an attitude of hubris—they have the answer to the problems of mankind if only someone would heed them. They are thus impotent and at the same time arrogant. How appealing the calls of the new left for revolutionary change must be for persons with such attitudes!

A little fire is quickly trodden out which, being suffered, rivers cannot quench. Shakespeare, King Henry VI.

So we have the paradox of the arrogance of impotence. Those essentially without power lay claims to certitude in judging the affairs of their fellow man, and therefore demand that the power be handed over to them. When their demands are not met they react in ways typical of the frustrated infant. As yet these reactions have not seriously disrupted our existing institutions (with the exception of some of our universities). It must be borne in mind, however, that self-righteousness is a very contagious phenomenon. The time has come for the arrogant ones to be reminded that the right to be heard does not include the right to be heeded; that the right to dissent does not include the right to decide the case. The excesses of the new left in the recent past have gone far beyond the bounds consonant with and essential to a free society. Those devoted to the principles of rationality and civility must take the aberrations of the fanatical few seriously lest they cease to be merely aberrations; they must make it clear that the rule of law and reason cannot co-exist with the rule of unlawfulness and irrationality. They must be willing to realize that in the words of Edmund Burke, "There is . . . a limit at which forebearance ceases to be a virtue."

COMPREHENSIVE NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, last week in New York City, the Committee for National Health Insurance sponsored a highly significant 2-day conference to consider a major new proposal for a comprehensive health insurance plan covering all Americans. The CNHI was formed in November 1968 under the chairmanship of Walter P. Reuther, president of the United Auto Workers, in order to mobilize broad support for basic changes in the financing and delivery of health care in the United States. The vice chairmen of the committee are Mrs. Albert Lasker, Whitney M. Young, Jr., and Michael E. DeBakey, M.D. I am privileged to serve as a member of this committee, along with my colleagues Senator YARBOROUGH and Senator COOPER, and a large number of other distinguished public officials and private citizens in the Nation.

In his opening address to the conference last week, which was attended by many of the members of CNHI as well as by representatives of 65 national organizations, Walter Reuther spoke eloquently of the contemporary health crisis in the Nation. He emphasized the need to develop a health insurance system uniquely adapted to the needs and capabilities of health care in the United States, and urged the members of the conference to renew their efforts to achieve this goal.

One of the principal purposes of the conference was to consider tentative specifications for a national health insurance program. These specifications were prepared under the leadership of Mr. Reuther and Dr. I. S. Falk, professor emeritus of public health at Yale Medical School and chairman of the technical committee of CNHI. As Dr. Falk made clear in his address to the conference, the specifications for the program are intended to be only a preliminary formulation. According to the committee's current schedule, it is hoped that these proposals will be refined and that specific legislation implementing the committee's final program will be available for introduction early next year, at the beginning of the second session of the 91st Congress.

Mr. President, I believe that the committee's tentative proposals are a major new contribution toward the development of a comprehensive national health care program for our citizens. I commend Mr. Reuther and Dr. Falk for their extraordinary progress, and I look forward to the future development of the CNHI program. I believe that the proposals presented to the recent conference will be of interest to all of us in Congress and elsewhere who are concerned with the cause of better health care for all our people.

I therefore ask unanimous consent that the following materials be printed in the RECORD: a press release of the Committee for National Health Insurance announcing the conference and listing the officers and members of CNHI and some of the organizations represented at the conference; the opening address by Walter Reuther to the conference; and the statement of Dr. I. S. Falk to the conference, including an appendix containing the tentative specifications for the committee's national health insurance program.

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

[A press release from the Committee for National Health Insurance, Oct. 12, 1969]

WASHINGTON.—Representatives of 50 national organizations will meet October 14–15 in New York to examine proposed solutions to the critical problems afflicting America's health care services.

The two-day conference of Interested Organizations was convened by the Committee for National Health Insurance. CNHI Chairman Walter P. Reuther, in a letter of invitation to representatives of the national organizations, said:

"The conference will bring together leaders of health, labor, industry, consumer, insurance and other interested organizations to examine proposed solutions to the critical problems of financing and organizing health services."

"The problems are well known; we want to focus on solutions."

Referring to the work of the Committee for National Health Insurance, Mr Reuther said:

"We believe we have formulated a sound, new approach to improvement of the health care delivery system. Our concept of national health insurance has as its basic goal a reordering of the organization of health services, retaining and strengthening useful aspects and replacing the outmoded.

"We hope our program will serve as a stimulant to conversation at the meeting and produce a cross exchange of ideas from which clarifications and improvements will emerge . . ."

The Committee for National Health Insurance is a committee of one-hundred prominent Americans from all walks of life working for the achievement of national health insurance as a means of restructuring America's health services.

In addition to members of CNHI, leading representatives of at least 50 organizations have signified their intention to attend the two-day conference, among them:

Amalgamated Meat Cutters and Butcher Workmen of North America.
American Academy of Pediatrics.
American Association of Medical Clinics.
American Dental Association.
American Dietetic Association.
American Federation for Clinical Research.
American Federation of State, County and Municipal Workers.
American Federation of Teachers.
American Hospital Association.
American Medical Association.
American Nurses' Association.
American Nursing Home Association.
American Optometric Association.
American Osteopathic Association.
American Osteopathic Hospital Association.
American Patients Association.
American Podiatry Association.
American Psychiatric Association.

American Psychological Association.
American Public Health Association.
Association of American Medical Colleges.
Blue Cross Association of America.
Catholic Hospital Association.
Consumer Federation of America.
Daycare Center Association of America.
Episcopal Church.
Group Health Association of America.
International Brotherhood of Teamsters.
International Union, United Auto Workers.
Medical Committee on Human Rights.
Medical Group Management Association.
National Association of Blue Shield Plans.
National Association of Social Workers.
National Association of State Mental Health Directors.
National Consumers League.
National Council of Churches.
National Council of Senior Citizens.
National Institutes on Rehabilitation and Health Services.
National League for Nursing, Inc.
National Medical Association.
National Rural Electric Cooperative Association.
National Urban Coalition.
National Urban League.
Pharmaceutical Manufacturers Association.
Private Health Insurance Industry.
Regional Medical Programs Association.
Student American Medical Association.
Student National Medical Association.
The National Assembly.
United Methodist Church.
United Mine Workers of America.
United Presbyterian Church.
United Rubber, Cork, Linoleum & Plastics Workers of America.
United States Catholic Conference.
United States Youth Council.

THE COMMITTEE OF ONE-HUNDRED

Rev. Ralph D. Abernathy.
Arthur Altmeyer.
Guillermo Arbana, M.D.
George Baehr, M.D.
Rabbi Leonard Beerman.
Peter Bommarito.
Lester Breslow, M.D.
James Brindle.
Mrs. Mary I. Bunting.
Martin Cherkasky, M.D.
John Sherman Cooper.
William S. Crowles, Jr.
Tony Dechant.
Paul Douglas.
Stanley Dreyer.
Robert H. Ebert, M.D.
William N. Enes.
I. S. Falk, Ph.D.
Frank E. Fitzsimmons.
Emerson Foote.
David French, M.D.
Rudolph H. Friedrich, D.D.S.
Frank Furstenberg, M.D.
John Kenneth Galbraith.
The Most Rev. Raymond J. Gallagher.
General James M. Gavin.
H. Jack Geiger, M.D.
Harold Gibbons.
Melvin A. Glasser.
Arthur J. Goldberg.
Mike Gorman.
Patrick E. Gorman.
A. F Grospiron.
William Haber.
The Right Rev. Donald H. V. Hallock.
Zenon C. R. Hansen.
Mrs. Fred R. Harris.
James G. Houghton, M.D.
Hubert Hemsley, M.D.
John Holloman, Jr., M.D.
Joseph Kellman.
Edward M. Kennedy.
Clark Kerr.
Lambert King.
Mrs. Martin Luther King, Jr.
Mathilde Krim, Ph. D.
Russel V. Lee, M.D.
Francis McCloskey.
Mrs. Jean MacVicar, R.N.
E. F. Marriner, M.D.
E. G. Marshall.
Charles H. Mayo II, M.D.
Emil Mazsey.
George R. Metcalf.
David Miller.
Einar O. Mohn.
Fitzhugh Mullan, M.D.
Harold F. Newman, M.D.
Robert Partridge.
Robert L. Popper.
Alex Radin.
Christian N. Ramsey, Jr.
Ronald F. Roley.
Howard Rome, M.D.
Alan Sagner.
Ernest Saward, M.D.
Max H. Schoen, D.D.S., M.P.H.
Charles I. Schottland.
David Selden.
John Siegenthaler.
Eugene A. Stead, Jr., M.D.
Carl B. Stokes.
Myron Wegman, M.D.
E. Richard Weinerman, M.D.
Roy Wilkins.
T. G. G. Wilson, Ph. D., M.D.
Leonard Woodcock.
Jerry Wurf.
Ralph W. Yarborough.
Alonzo Yerby, M.D.

AMERICA'S CHALLENGE: A NATIONAL SYSTEM TO ORGANIZE AND FINANCE PERSONAL HEALTH SERVICES TO MEET THE NATION'S HEALTH NEEDS

(By Walter P. Reuther, chairman, Committee for National Health Insurance)

I am very pleased to welcome each of you to this Conference of National Organizations which is sponsored by the Committee for National Health Insurance. We are delighted that 65 national organizations with major interests in the health field have accepted our invitation. We look forward to sharing with you during the next several days what we consider to be a very important matter on America's agenda of unfinished business: the question of how a free society goes about organizing health care services to meet the basic needs of its people.

I think that all of us are aware of the fact that we live in a very difficult time in the history of the world and a very difficult time in the history of America. This is truly a time for testing the values that we believe in as a free people. It is a time of revolutionary change, of challenge and of deep crises in many aspects of our national life. We have a crisis in our cities. We have a crisis in education. We are polluting our air and water. Our living environment is deteriorating dangerously. We have a crisis in housing, and one of the most serious crises we face is in the area of health care services.

We believe, as do many Americans, that this is a time when the American people need to reorder their national priorities, to put first things first, to commit ourselves and our resources in a measure equal to the dimensions of the problems that we face.

Like almost every other American and millions of people around the world, we were thrilled when Neil Armstrong left man's footprints on the moon. What impressed me in that historic achievement was not the fact that America has great scientific and technological capability. I think we've known that for a long time. I think the real lesson to be learned from that historic mission is that America is capable of doing almost the impossible if we make a national commitment and we are prepared to allocate resources to carry it out.

We went to the moon because President Jack Kennedy made a commitment for the nation, and we allocated the resources necessary to carry out that commitment. We share the view that we will not deal effectively with the many problems at home until America reorders its priorities and until we all make a comparable commitment in terms of the national will and the allocation of our national resources.

Our Committee for National Health Insurance developed in response to the growing realization in America that the crisis in health care is becoming progressively more serious. Leaders from medicine and public health, labor and business, religion, the law, the universities, civic organizations and the civil rights movement, young people—from all walks of American life have joined our Vice-Chairman, Dr. Michael DeBakey, Mrs. Mary Lasker, Whitney M. Young., Jr., and me in mounting this effort to bring about fundamental changes in the financing and delivery of health care services.

The cost of health care is sky-rocketing. It represents the most inflationary single factor in the upward movement of the price index. The cost of medical care over the past decade has risen at almost twice the rate of the movement of the general price index. If we are going to fight inflation, as we must, we have to look at the increasing cost of health care and realistically begin to deal with the sources of the problem.

We are told that in 1969 American people will spend approximately 60 billion dollars for health care services, almost five times more than we spent in 1950. This represents the second largest expenditure out of our gross national product, 6.5% of the total. It is second only to the fantastic sum of over 81 billion dollars we are spending for military purposes. We spend more money in total and a larger percentage of our Gross National Product for health care than any other nation in the world. Yet despite this, we have not provided the American people with the kind of comprehensive high quality health care services that we have the knowledge and the affluence to provide. We are not getting the maximum yield from our expenditures because we lack effective organization for the delivery of health care services. Ours is a non-system.

I have said on many occasions that the quality of our society will be judged neither by the measure of our material wealth nor by our productive potential, nor by the level of our technological progress, nor by the quality of our gadgets, nor by the brightness of the chrome on the new Cadillacs and Continentals we turn out in Detroit. The real quality of a society should be measured by how that society orders its priorities, allocates its resources, and demonstrates both the sense of social and moral responsibility needed to translate technical progress into human progress and in finding answers to basic human and social needs.

I believe that in no area of our national life is there a greater or more dangerous gap between promise and performance, between capability and competence and translation of that competence and capability into practical performance than in the field of health care services. Our gross national product will soon exceed one trillion dollars; yet we currently rank 14th among the major industrial nations of the world in the rate of infant mortality and we rank 12th among the industrialized nations of the world in the percentage of mothers who die in childbirth. We rank 18th in terms of life expectancy for males and 11th for females. The death rate among middle-aged males in America is higher than in any country in Western Europe and in many other nations.

These figures do not reflect the true proportion of our crisis in health care. In no industrialized nation in the world is the gap between the haves and the have-not people in their respective ability to gain access to adequate health care as wide as in the U.S. Infant mortality among non-white babies is more than double that among white babies. Death and disease rates in the poorest states

are much greater than the rates in the most affluent states.

One of our problems in America is that too often we have relied upon the marketplace to find answers to these basic problems. The marketplace in America has provided us with unprecedented volumes of gadgets, but the marketplace is incapable of responding adequately to meet basic human rights and needs such as health care services.

My associates and I at the UAW have been privileged to work at the bargaining table with the very competent representatives of a large number of insurance companies over the last 30 years trying to find answers to health care problems. But the insurance industry, despite a massive effort, has failed to provide universal, fully comprehensive health insurance coverage at a price within the reach of all people.

The dimensions of the problem are beyond the capability of any private sector in America. When you look at the tragic and what I think are shocking and shameful facts, you find that in 1968, of the 178 million Americans who were under the age of 65, 13% or 24 million, had no hospital insurance whatsoever; 20% or 30 million, had no surgical insurance; 34½% or 61 million Americans, had no in-hospital medical expense insurance; 50% or 89 million, had no out-of-hospital x-ray and lab coverage; 57½% or 102 million Americans, had no insurance for doctors' office visits or home calls; 61% or 108 million Americans, had no prescription drug coverage; and 95½% or 173 million Americans, had no dental care insurance.

In dollar terms only one-third of private consumer expenditures for health in 1967 were paid from insurance; two-thirds of the costs came directly out of our pockets and purses. The insurance industry has made this massive effort over 20 years, and has applied great competence to this effort, yet these are the results. Clearly, the private industry is not capable of dealing with the dimensions of this basic problem. It cannot deal with the problem of universal coverage nor can it provide an adequate mechanism for dealing with the control of both quality and of cost. It has been significantly unable to modify the current disorganized delivery system.

Our public programs are also limited in effectiveness. For example, Medicare covers less than 45% of the basic health care costs of our aged citizens. Medicaid is proving totally incapable of meeting the real and pressing needs of the disadvantaged poor and its expenditures have skyrocketed due to unjustified inflation.

Because the dimension of this problem are so overwhelming and because the cost of health care is sky-rocketing, there is a growing understanding that we need to begin to deal with these problems more realistically and comprehensively. We can't just put more and more billions into a non-system because all we would be doing is continuing to waste our precious resources without finding answers to many central unresolved questions. This is what I believe motivated the Governors in their recent annual conference to adopt a resolution which called for a federal system of universal health insurance. They didn't spell out the details, but this meeting today is designed to promote discussion of possible approaches which would be responsive to the needs the Governors so well understood.

Recently Secretary Finch of HEW broadened the charge of his Task Force on Medicaid and Related Programs to include exploring the feasibility of a universal health insurance system. The American Hospital Association has formed a committee to study and report on this subject. And many, many groups throughout America including the American Medical Association, the National Medical Association, the American Public Health Association, and other health groups, in recognition of the growing crisis in health care are beginning to explore the feasibility of various new approaches.

President Nixon in his recent statement dealing with the crisis in health care pointed out that in the absence of revolutionary changes the system would collapse. We believe that his diagnosis was correct although his proposed cure was inadequate and unrealistic. We can't solve this problem in our judgment by simply relying on ever greater expenditures, tax offsets or other purely financial remedies. What we need is basic surgery to substitute for the present non-system a new system that begins to bring about more effective and technologically advanced forms of organization of our national health resources and health services.

We need to recognize that we have a kind of Model T health care system and that a Model T is not adequate to meet the health care needs of the space age. I think it is important we understand that the system does not need simply a tune-up or a new set of spark plugs. We ought to take the old Model T system out and put it in a museum where museum pieces reside peacefully with the past.

An up-to-date system of personal health services can only be structured around and can only be implemented through a universal health insurance system. We are the only democratic nation in the world that has not shown the wisdom and the good sense to move in the direction of organizing a national health insurance program for personal health services.

As you will gather from the presentation today of our Technical Subcommittee, the Committee for National Health Insurance does not propose a system of socialized medicine atlhough these terms will be thrown about as they were when we talked about Blue Cross in the early days. When the UAW first sat at the bargaining table in 1940 to talk about the first Blue Cross-Blue Shield plan, we were charged by many people, including especially the medical profession, with travelling the road to socialized medicine. The General Motors Corporation took a similar view. We worked hard to build the "Blues" plans because we believed they represented a significant historic forward step at the time when we had no insurance whatsoever.

Today, however, we must move on and develop new instruments to provide the kind of modern, effective health services to which all people will have access.

We do not propose to borrow or transplant the health insurance system of any other nation because we believe that our problems and our capabilities are different. What we need to do is to develop a uniquely American system which will preserve the best features of the current delivery system while dealing with its basic organizational and financial deficiencies in order to make possible the provision of comprehensive, equitably and soundly financed high quality care on a universal basis.

We believe the approach which we plan to recommend to the nation is fully compatible with the unique values of a free society. We do not believe that the answers can be found either in a continued reliance on the medical marketplace or in the dictates of a rigid bureaucratic system. We believe it is possible to structure a health care system that will meet our needs while providing a wide degree of choice and experimentation in the use and development of a better delivery method. We want a system that will eliminate the waste and the inefficiency of the present non-system—a system, moreover, that will bring the poor into the mainstream of medical care—a system that can in an organized and rational fashion begin to bring about the effective use of our health manpower, facilities and economic resources.

Most of the labor movement is involved in health care and insurance not only at the bargaining table but in the community. I will be sitting down at the bargaining table representing UAW members next year with officers of some of the largest corporations in America—General Motors, Ford, Chrysler and others. We will be bargaining about health care services. But we have learned that for almost every additional dollar we bargain and pay for, we wind up with far less than a dollar's worth of improved health care services. Much of our money goes to subsidize inappropriate forms of care and the inefficiencies, gaps and waste in the present non-system. We are no longer willing to bargain hard, to fight hard and in some cases to walk the picket-line when the yield we get is only a fraction of what it should be. And, therefore, we have a right, as consumers of health care, to insist that one dollar of consumer purchasing power buy one dollar's worth of appropriate and reliable health care services.

Now we meet here this morning not in the spirit that we have all of the answers, because we know that this is a very complex problem and that there are no simple answers. But it is a problem we are capable of solving if there is a spirit of good will and cooperation among all of the people who share responsibility for providing the kind of universal high quality comprehensive health care that we believe the American people have a right to expect. And so we come here not to give you the final details of a national health insurance system, but to seek your participation, as part of a working conference, in examining proposed solutions developed after months of intensive study by a panel of distinguished experts headed by Dr. I. S. Falk, eminent Professor Emeritus of the Department of Epidemiology and Public Health at the Yale Medical School.

We hope you will give us the benefit of your reactions and judgments in three panels which will be chaired by Dr. Lester Breslow of the Medical School of UCLA, Dr. Myron Wegman, Dean of the University of Michigan School of Public Health, and Dr. James Haughton, First Deputy Health Administrator of New York City. We welcome not only your ideas and your suggestions but your constructive criticism.

Those of us who are participating on the Committee for National Health Insurance share the view that access to good health in a free society is a matter of right and not a matter of privilege. We have unlimited faith in the capability of free men and of free institutions to work together to find answers to this basic human problem. We believe that America can find answers and that we can provide the kind of personal health services that all the American people have a right to share on the basis of equality. We believe also that the hour is later than we think and that this is the time for action.

Tentative Specifications for National Health Insurance

(A report from the Technical Committee of the Committee for National Health Insurance submitted by I. S. Falk, Chairman of the Technical Committee, to the Conference on National Health Insurance, New York, Oct. 14, 1969)

Mr. Chairman, Members of the Conference, it is my privilege to submit to this Conference, as an agenda paper, tentative specifications for national health insurance developed by our Technical Committee.

I would, first, preface my remarks about the agenda paper by emphasizing that this is a preliminary formulation. Some of the specifications are firm and unequivocal, directly reflecting the Statement of Principles on which the Committee for National Health Insurance takes its stand. Others are highly tentative, being still in course of development. And still others, needed for the series, have yet to be developed. We welcome the opportunity provided by this Conference to have the benefit of review from all who have

an interest in the potentials and the implications of national health insurance.

Second, I would summarize for you our Technical Committee's guidelines when developing the specifications. Our primary concern has been—and continues to be—the Nation's need for good medical care to be available to the whole population. We proceeded with the firm conviction that, while we do not now have such availability in the United States, we can have it. We therefore undertook to design the plan for a program that would resolve many inadequacies in the present resources and, by building upon what we have, could become a program adequate for the delivery of good medical care for the Nation.

Our system of specifications starts with the intention to implement the *Principles* of the Committee for National Health Insurance. Within this framework, we do not propose a program limited to the poor and near-poor, believing that such separate provision would further ghettoize medical care for the disadvantaged. Instead, we would encourage the development and strengthening of one system that would bring all within a single mainstream of good medical care. We therefore propose equal eligibility for all the benefits of national health insurance to all who are resident in the country, identifying only minimal exclusions.

We propose financing which should be total, adequate, equitable and assured. To this end, we exclude deductibles and other financial barriers to needed care, whether early or late in the course of treatment, because we would encourage the receipt of medical care when it is needed. We would especially encourage easy and early access to medical care, in order to improve the potential capacity of the health professions to prevent disease which is preventable and to control the progressive development of disease and disability that cannot yet be prevented. We are well aware that the program we envisage would involve large sums. Most of the cost, however, would be only a re-channeling of what is already being spent—much of it being spent badly, wastefully and ineffectively whether from private or from public funds; and the total cost would be well within the means of our large national economic capacity.

Our Technical Committee has not been content merely to propose pumping more money into an already burdened and strained manifold of resources for medical care. To be sure, we must start with where we are, what we have, and how the existing resources perform. We have tried, however, to build into our plan various incentives for an orderly evolution toward an adequate system for the delivery of medical care. We propose new financial and other supports to help overcome shortages and, through better organization, to extend the reach and the productivity of personnel and facilities. And we intend that these measures should be implemented directly, not in some long-distant future.

Our Committee has been mindful that, along with very substantial national achievements under Medicare and Medicaid, there has been some unfavorable experience. We believe such experience has resulted mainly from the undertaking to expand the financial support of services without at the same time making an adequate effort to improve their organization. This is a mistake we do not propose should be repeated—or continued. On the contrary, we believe that only a social insurance program which provides vigorous support for better organization as well as adequate support for the services is capable of meeting national needs and of justifying what it will cost the Nation. Only such a program can contain or moderate the steeply rising costs of present health services without compromising either the comprehensiveness or the quality of the medical care provided through its finances. We believe it can be a program which would be as fair and acceptable to those who provide the services as it would be beneficent to those whom it will serve.

Our Committee has appreciated that the system we propose may require development in stages. If it should, all the more reason—we have thought—that the specifications should express the goals clearly and incisively, lest the staging of development become haphazard or dictated only by convenience or compromise.

These have been our guidelines. As we turn now to the specifications, you will have a basis for judging the merits of the proposals and for joining with us in their review. We invite you to examine them critically and to help us develop them further. We especially invite your comments where we have indicated awareness that our specifications are inadequately developed, and where there are well known diversities of opinion about the potential scope, financing and administration of national health insurance.

APPENDIX—SUMMARY OF TENTATIVE SPECIFICATIONS FOR NATIONAL HEALTH INSURANCE

1. POPULATION COVERAGE AND ELIGIBILITY FOR BENEFITS

a. Coverage should be as nearly "universal" as feasible for all residents of the USA, with no other requirements for eligibility to the services made available under NHI; and

b. Exclusions may extend to groups beyond the "reach" of payroll and related taxes, but should not extend to any groups merely because they are also eligible for services under other persisting (categorical) programs.

2. SCOPE OF AVAILABLE SERVICES

a. NHI should extend to the entire range of services required or useful for the maintenance of personal health. Qualifications and limitations should be only those that are dictated by inadequacies in personnel, facilities, or in organizational patterns;

b. If limitations or exclusions are unavoidable, they should be treated as temporary provisions; and, to the maximum extent feasible, should be subject to elimination by authorized administrative decisions;

c. If "staging" of benefits is unavoidable, as far as practical priority should be given to ambulatory over inpatient services, and to primary care over referral and specialty services; and

d. Further discussion is needed—and is invited—concerning the scope of "medicines" and "dental care" as benefits under NHI, and concerning the proposed exlusion of mental *hospitals* (but not of other mental health services).

3. ORGANIZATION FOR THE DELIVERY OF SERVICES

a. To the maximum extent practical, services should become available through organized arrangements, designed to encourage comprehensive and continuing care of good quality; and financial and other requirements and incentives (and disincentives) to this end should be incorporated into the design of the benefits and payments;

b. Group practice of health care personnel, and regional coordination among group practices, hospitals and related facilities should be prescribed as goals, but implementation should be made as flexible as possible; and

c. Financial and other incentives should be provided for group practice providers whether they serve a defined and delimited population or an open-ended practice; and such incentives should extend to the support of education and training for the staffing of group practice.

4. PARTICIPATION OF PROVIDERS

a. Eligibility to participate as providers should extend to all who may usefully participate in the full spectrum of benefit services;

b. For personal providers, licensing should be the minimum requirement. Federal standards for participation should apply in any State whose standards are less and to categories for which there are no acceptable State standards; and, after a grace period, no payments under NHI should be made to providers who do not meet the Federal standards;

Query: Should the Federal standards require periodic re-licensure; and if yes, how often? Or should they require participation in (approved) continuing education or training? Both?

Query: Suggestions as to the content of desirable Federal standards?

c. For facilities, Federal standards may (?) shall (?) go beyond current provisions for certification and accreditation in Medicare; and such standards may (?) should (?) require "linkages" among facilities and services—with financial incentives and disincentives or penalties;

Query: Suggestions as to the desirable Federal standards for facilities and for local and regional inter-relations; and as to incentives and disincentives?

d. Service performances by personal providers and institutions shall be reported in sufficient detail to provide a basis for peer medical data review for outpatients as well as for inpatient services, and such reporting shall be a prerequisite to payments under NHI;

e. The payment procedure and specifications should reflect and implement the requirements for participation and acceptable performance for personal providers and institutions; and such specifications should extend to scope of services, standards of service, payments with respect to capital investment in facilities and equipment, and (for nursing homes and home care programs) required affiliation with qualifying hospitals;

f. Special financial and other incentives should be provided to encourage the organization of professional, technical and supporting personnel into health teams and groups capable of providing comprehensive health care for families and individuals efficiently and effectively, with compensation through comprehensive *per capita* payments as an alternative to the fee-for-service method of payment in an area. This should apply especially to payment on a comprehensive capitation basis to existing organized groups serving a defined or delimited population in a geographical area in which providers are generally paid on a fee-for-service basis; and

g. Incentive payments should also extend to hospitals for the expenses of providing bases for health care teams; and hospitals and other facilities should share in the cost savings which result from the lowered rate of hospitalization under group practice arrangements.

5. METHODS OF PAYMENT TO PROVIDERS

a. The general policy is to assure the availability of services, not to provide indemnification for costs incurred. Consequently, NHI should undertake—as far as it can—to make total and fully adequate payments to the providers of the services without requiring any such payments from those who receive the services;

b. The methods of payment have to start with the *status quo;* but NHI should include incentives for the development of a more desirable system of methods of payment which is without deductibles, barrier payments, "hesitation" charges, co-insurance, indemnifications, or exhaustions;

c. Independent (i.e., non-institutional based) physicians and other providers should have the right to elect among fee-for-service, capitation, salary, etc., methods of payment;

d. Statutory guidelines should apply to methods and rates of payment to hospitals

and other institutions. NHI should *not* undertake (as under Medicare) unlimited full reimbursement of production costs; instead, NHI should provide for reimbursements bounded by maxima, by capitation rates, or by other limitations including maximum permissible rates of annual cost escalation. Various designs require further study. Where such payments are based on reimbursement of costs incurred in the production of services, delimitations should apply to reimbursement of capital costs as well as to maximum rates of payment for operating costs. Where such payments are based on capitation payment, the guidelines should be adapted administratively to ensure equitable rates of payment within the applicable regional ceilings;

e. Special provisions should be developed—by adaptation of statutory general guidelines—for equitable methods and rates of payment to the several categories of providers (doctors, hospitals, nursing homes, medicines, optometric and other appliances, etc.); and

f. NHI should provide fiscal and other incentives toward the grouping, affiliation or integration of providers, moving away in the course of time from fractionated fee-for-service payments and moving toward hospital-affiliated or hospital-based medical groups, in order to stimulate better organization within and between institutions.

AVAILABILITY OF SERVICES

a. The general policy objective is that services shall be available without direct charges or costs at the time the services are needed or utilized. As far as may be feasible, there should be no direct financial barriers to the receipt of needed services that are available under NHI—no deductibles, no barrier or "hesitation" charges, no co-insurance, etc. If there are to be exceptions, they should apply only to those limited areas in which charges to the patients are demonstrably related to effective utilization and/or to necessary fiscal controls—as with respect to some aspects of dental care, eye glasses, or medicines;

b. Primary care should be emphasized under NHI and, where necessary, should be given priority in the development of NHI availability of services. The entry point of the system should be through "the family physician." Fiscal and other incentives should be provided for the development of "local area health centers" affiliated with approved hospitals and especially as the functional locus for both the primary physicians and the referral personnel (specialists and supporting professional and technical services);

c. In general, NHI should pursue the policy of encouraging access to specialists through referral from the family physician. Initially, this policy should be administered loosely, authorizing payments to specialists utilized on self-selection by the patient and upon direct access by the patient; but this transitional policy should be superseded as rapidly as feasible by a policy restricting payments for specialty services only on referral;

d. Except in emergency and unusual circumstances, payments for major surgery should be authorized only on a referral basis and for performance by board-eligible and board-qualified surgeons. A corresponding policy should be encouraged as strongly and as rapidly as feasible with respect to payments for other services provided on a specialty basis; and

e. Further study should be undertaken on the design of specifications for controls to discourage or prevent primary physicians from "dumping" referrals on the specialists.

7. ADMINISTRATION

a. The general pattern for the administration of NHI should be developed with regard for three broad levels of administration: National; regional; and state, district and local. The Office of National Health Insurance Administration should be lodged in DHEW, under the Secretary, with "bridges" to other related administrations, bureaus, etc., within DHEW and in other Departments;

b. NHI should be administered by an Administrator, in association with a National Advisory Council which includes representatives of consumers as well as of providers and, also, national representatives-at-large. The statute should require the Secretary and the Administrator to consult the Advisory Council on all matters of general policy and to have the Council's review and advice on all general aspects of program plans and operations and of proposed rules and regulations. The Council should be authorized to have its own technical staff and to make an annual report to the Congress on consultations and recommendations;

c. The Secretary should be authorized and directed to invite the states to undertake various activities of NHI in which they may play useful contributory roles; and the states should be reimbursed for appropriate expenditures incurred in performance of functions as agents of NHI;

d. Advisory Councils, with corresponding composition and with similar functions applicable to the lower levels of administration, should also be provided at regional, state and local administrative levels;

e. When devising the administrative structure and allocations of functions, the Secretary should provide for appropriate functional roles for voluntary (non-governmental) health organizations as agents of NHI; and

f. Since NHI should undertake to assure the availability of a broad spectrum of services to all eligibles throughout the country, it should have fiscal resources to take all necessary and practical measures toward assuring that availability. The Secretary should therefore have assured funds available, through an earmarked portion of annual income to (or of annual expenditure from) the Trust Fund, to make grants for needed education, training, facilities, organizational developments, demonstrations, etc., toward achieving that availability of services as rapidly as possible. These funds should be allocated by the Secretary, on recommendation of the NHI Administrator after consulting with the National Advisory Council, among various program activities. With respect to these developmental funds, the statute should require that they shall be allocated after consultation with, and should be expended in collaboration with, the administrative agencies in DHEW and other Departments responsible for grants or loans in closely related program areas.

8. FISCAL PROVISIONS

a. The NHI program should be financed by contributions from employers, employees and self-employed persons, and from general tax revenues—preserving present provisions which permit employer assumption of all or part of contributions required of employees for social insurance purposes;

b. Financing should be effected through the mechanisms which are now well-developed and time-tested in the financing of the national social insurance system of Social Security (OASDHI), utilizing the Treasury Department and the Trust Fund procedures;

c. The provision for earmarked funds to support necessary and desirable innovative undertakings and demonstrations should be effected through the Trust Fund; and these funds should be available for use with broad administrative discretion by the Secretary and his National Advisory Council; and

d. It is tentatively assumed that two-thirds of the fiscal resources of NHI should derive from "payroll" taxes (with or without a ceiling on taxable earnings) and one-third from Federal general tax revenues.

[It is proposed that state and local governments, though relieved of various service and expenditure obligations, should not be required to participate in the financing of NHI.]

9. RELATIONS WITH OTHER PUBLIC AND PRIVATE PROGRAMS

a. The development of comprehensive NHI would involve the absorption of many—but not necessarily the absorption of all—existing delimited and categorical programs which provide for the availability and/or the financing of personal health services. Which should persist—temporarily or permanently—as collateral programs, and which should be absorbed into NHI, involve inspections program by program. Account has to be taken of many factors, including consideration of the pace at which the NHI program moves toward its comprehensive maturation and assures equal access of all residents to all needed and available services;

b. Enactment and implementation of NHI should provide for the absorption of such public tax-supported programs as: Medicare, Medicaid, services for civilian dependents of the Armed Forces, etc., and other similarly readily amenable to absorption in the interest of systematic rationalization for all eligibles under NHI. In each case, persistence of an existing program should be provided for so long, and only to the extent, that the NHI services (benefits) are narrower than those available under the existing categorical program;

c. NHI should not undertake to absorb and supplant certain highly specialized, delimited and categorical public programs, e.g.: The medical care programs for the uniformed personnel of the Armed Forces; the "hospital" program of the Veterans Administration; the special area-delimited programs for Indians, Eskimos, and other "wards" of the Federal Government; the marine and other hospital programs of the PHS; the intra-mural health and medical care provisions of schools, custodial and correctional institutions; and perhaps others. And NHI should not pay for services provided in these persisting special and delimited programs. However, all persons eligible for service under these persisting programs (except Armed Forces personnel on duty) should be eligible for services under NHI;

d. NHI should absorb the personal health service aspects of the maternal and child health and the crippled children's program, but not their community-wide health service activities;

e. Whether NHI should or should not absorb the medical care aspects of programs which involve close coordination with provisions for income-maintenance or indemnification for income-loss requires further study: E.g., under workmen's compensation, and state temporary disability insurance; and

f. It is assumed that private insurance which applies to services or costs which are—or come to be—included in the benefits of NHI will terminate, but that such insurance may persist with respect to services and costs that are not included—and for so long as they are not included—in an evolving NHI program. To what extent and with what functions the private insurance carriers participate as administrative agents of NHI should depend upon conclusions yet to be reached with respect to the structure of the NHI benefit and administrative systems and their needs. This, obviously, invites further careful review.

TAX REFORM NOS. 7 AND 8: DEMOCRATIC STUDY GROUP TAX REFORM FACT BOOK

Mr. METCALF. Mr. President, today I shall make available the last two sections

of the Tax Reform Fact Book prepared by the Democratic Study Group in the House of Representatives. These sections deal with a rather long list of tax preferences, as well as the subject of tax relief. The Committee on Finance has already completed its consideration of several of the important areas listed in these sections of the book.

For example, on October 13 the committee agreed to repeal the unlimited charitable contribution deduction over a 5-year period. This is the same period provided for by the House bill. However, the committee did modify the House version so that certain features of the House bill would not apply in the case of the unlimited charitable contribution deduction. The excepted features of the House bill would be the inclusion of appreciated charitable gifts as tax preferences within the limit on tax preferences and allocation of deduction rule, the allocation of the charitable deduction, the 30-percent limit on gifts of appreciated property, and the appreciated property rule in the case of property which would give rise to a long-term capital gain if sold.

On October 9 the committee agreed to eliminate State and local bond interest from the limitation on tax preference and allocation of deductions provisions of the House bill. The committee also agreed to delete that provision in the House bill which would provide a subsidy for States and local governments which choose to issue their bonds on a taxable basis and pay competitive market rates of interest on them. When Assistant Secretary of the Treasury Edwin S. Cohen testified before the Finance Committee on September 4 he was asked what the revenue loss would be if State and local bond interest were eliminated from the limitation on tax preference provision contained in the House bill. He was asked this question because the administration is vigorously opposed to the continued inclusion of tax-exempt interest in the LTP provision of the House bill. According to Mr. Cohen, the annual revenue loss would be $35 million. He was also asked how much additional revenue would be lost by eliminating tax-exempt interest from the allocation of deduction provision and his answer to that question was an annual revenue loss of $45 million—part 1, Senate hearings, page 662. This means that if the Finance Committee's decision is finally accepted the revenue loss over the House-passed bill would total $80 million a year.

On September 25, I submitted an amendment to the House-passed bill that would impose a minimum income tax on certain untaxed income of both individuals and corporations. In addition, my amendment would require allocation of deductions between taxed and untaxed income of individuals as well as corporations. Before the tax reform bill is reported by the Committee on Finance, I hope to obtain a revenue estimate as to its affect.

Mr. President, so that Senators may study the details of my amendment now, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, amendment No. 206 was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 206

Page 165, beginning with line 7, strike out all through line 8, page 180, and insert the following:

"SUBTITLE A—TAX ON CERTAIN UNTAXED INCOME AND ALLOCATION OF DEDUCTIONS

"SEC. 301. TAX ON CERTAIN UNTAXED INCOME.

"(a) IMPOSITION OF TAX.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"'PART VI—ADDITIONAL TAX

"'Sec. 55. Imposition of tax.

"'SEC. 55. IMPOSITION OF TAX.

"'(a) INDIVIDUALS.—In addition to the other taxes imposed by this chapter, there is hereby imposed on each individual for each taxable year a tax equal to 25 percent of the amount by which—

"'(1) the sum of the taxpayer's excluded items for the taxable year, exceeds

"'(2) $10,000 ($5,000, in the case of a married individual filing a separate return), plus an amount equal to the amount of deductions disallowed under section 277(a) for the taxable year.

"'(b) CORPORATIONS.—In addition to the other taxes imposed by this chapter, there is hereby imposed on each corporation for each taxable year a tax equal to 25 percent of the amount by which—

"'(1) the sum of its excluded items for the taxable year, exceeds

"'(2) $25,000, plus an amount equal to the amount of deductions disallowed under section 277(b) for the taxable year.

"'(c) EXCLUDED ITEMS.—For purposes of this section, the term "excluded items" means—

"'(1) interest excluded from gross income under section 103,

"'(2) the amount by which (A) the deduction for depreciation under section 167 on real property (other than residential real property for low- and middle-income families) exceeds (B) the amount of such deduction computed under the straight line method of depreciation,

"'(3) the amount by which (A) the amount allowed as a deduction under section 170 (relating to charitable contributions) for the taxable year exceeds (B) the taxpayer's aggregate adjusted basis for the property giving rise to such deduction,

"'(4) the amount allowed as a deduction under section 611 (relating to depletion) with respect to any property the adjusted basis of which is zero, and

"'(5) in the case of an individual, the amount allowed as a deduction for long-term capital gains under section 1202.'

"(b) CLERICAL AMENDMENT.—The table of parts for such subchapter A is amended by adding at the end thereof the following new item:

"'PART VI—ADDITIONAL TAX'

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

"SEC. 302. ALLOCATION OF DEDUCTIONS BETWEEN TAXED AND UNTAXED INCOME.

"(a) IN GENERAL.—Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"'SEC. 277. ALLOCATIONS OF DEDUCTIONS.

"'(a) INDIVIDUALS.—

"'(1) IN GENERAL.—In the case of an individual, if the sum of his excluded items for the taxable year exceeds $10,000 ($5,000, in the case of a married individual filing a separate return), then the sum of the items otherwise deductible under the sections listed in paragraph (2) shall not exceed an amount which bears the same ratio to the sum of such items (determined before the application of this section) as the taxpayer's adjusted gross income bears to the sum of his adjusted gross income and the amount by which his excluded items exceeds $10,000 ($5,000, in the case of a married individual filing a separate return).

"'(2) DEDUCTIONS AFFECTED.—For purposes of paragraph (1), the sections referred to are the following:

"'(A) section 163 (relating to interest),

"'(B) section 164 (relating to taxes),

"'(C) section 165(c)(3) (relating to personal theft and casualty losses),

"'(D) section 170 (relating to charitable contributions),

"'(E) section 213 (relating to medical, dental, etc., expenses), and

"'(F) section 216 (relating to cooperative housing expenses).

"'(b) CORPORATIONS.—

"'(1) IN GENERAL.—In the case of a corporation, if the sum of its excluded items for the taxable year exceeds $25,000, then the sum of its nonoperating deductions shall not exceed an amount which bears the same ratio to the sum of such nonoperating deductions (determined before the application of this section) as its net operating income bears to the sum of its net operating income and the amount by which its excluded items exceed $25,000.

"'(2) DEFINITIONS.—For purposes of paragraph (1), under regulations prescribed by the Secretary or his delegate—

"'(A) The term "nonoperating deductions" means all items otherwise deductible under this chapter which are not directly connected with the active operation of trade or business activities.

"'(B) The net operating income of a corporation is the amount by which the gross income directly connected with the active operation of trade or business activities exceeds the deductions allowed by this chapter which are directly connected with the active operation of such activities.

"'(c) EXCLUDED ITEMS.—For purposes of this section, the term "excluded items" means—

"'(1) interest excluded from gross income under section 103,

"'(2) the amount by which (A) the deduction for depreciation under section 167 on real property (other than residential real property for low- and middle-income families, exceeds (B) the amount of such deduction computed under the straight line method of depreciation,

"'(3) the amount by which (A) the amount allowed as a deduction under section 170 (relating to charitable contributions) for the taxable year, exceeds (B) the taxpayer's aggregate adjusted basis for the property giving rise to such deduction.

"'(4) the amount allowed as a deduction under section 611 (relating to depletion) with respect to any property the adjusted basis of which is zero, and

"'(5) in the case of an individual, the amount allowed as a deduction for long-term capital gains under section 1202.

"'(d) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.'

"(b) CLERICAL AMENDMENT.—The table of sections for such part IX is amended by adding at the end thereof the following new item:

"'Sec. 277. Allocation of deductions.'

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969."

Mr. METCALF. Mr. President, on October 20, the committee adopted with some modifications the general provisions of the House bill which would significantly tighten depreciation practices in the real estate industry. Under the

House bill, the real estate changes would increase Federal revenue by about $1 billion annually when fully effective. According to published accounts, the committee trimmed an estimated $25 million of annual revenue gain from the House bill. I mention this now because the tax treatment afforded the real estate industry is one of the areas of discussion contained in today's section of the DSG Tax Reform Fact Book.

On August 13, I reintroduced my tax-dodge farming bill, S. 500, in the form of an amendment to the House-passed bill. A bipartisan group of 27 Senators are cosponsors of S. 500. They are: Senators BAYH, BIBLE, BROOKE, BURDICK, CANNON, CHURCH, EAGLETON, HARRIS, HART, HARTKE, HATFIELD, HUGHES, INOUYE, KENNEDY, MCCARTHY, MCGEE, MCGOVERN, MANSFIELD, MONDALE, MONTOYA, MOSS, MUSKIE, NELSON, PEARSON, SAXBE, YARBOROUGH, and YOUNG of Ohio.

When former Assistant Secretary of the Treasury Stanley S. Surrey testified before the Committee on September 25, he commented that an appropriate revenue gain in this area would be $150 million to $200 million. The annual revenue effect of my bill has been estimated at $205 million. Mr. Surrey concluded his testimony with this statement:

The proper course in the farm area is to reject the House bill approach and follow Senator Metcalf's approach.

However, according to published accounts the overall farm loss plan adopted by the Committee on Finance on October 17 ultimately would increase Federal revenue by $20 million a year, the same as under the House proposal. On October 20, I requested an estimate of comparative revenue figures from the Joint Committee on Internal Revenue Taxation. I have not yet received a response to my request but this is certainly understandable since the staff of the joint committee must be under an arduous time schedule now that the Committee on Finance has begun executive sessions to mark up its version of the bill.

As soon as I do receive a reply, I intend to make it available to other Senators, since I shall offer my amendment when the tax reform bill reaches the Senate floor for debate and further amendment. In the meantime, since this is an area that is discussed in some detail in today's section of the Tax Reform Fact Book, I shall make both the text of my letter together with the text of my amendment available now.

Mr. President, I ask unanimous consent that my letter of October 20 to Laurence N. Woodworth and the text of my amendment be printed at this point in the RECORD.

There being no objection, the letter and amendment No. 139 were ordered to be printed in the RECORD, as follows:

OCTOBER 20, 1969.

Mr. LAURENCE N. WOODWORTH,
Chief of Staff, Joint Committee on Internal Revenue Taxation, Longworth House Office Building, Washington, D.C.

DEAR MR. WOODWORTH: On 17 October the Senate Finance Committee agreed to a substitute for section 211 of the House-passed tax reform bill. Under this substitute, an individual who has more than $50,000 of nonfarm income and who incurs a loss from his farm operations of more than $25,000 (these are the same tests provided in the House bill) will be allowed to deduct currently only one-half of his farm losses in excess of $25,000 against his nonfarm income. The remaining portion of his farm loss which would not be allowed as a deduction in the year it is incurred could be carried over for an indefinite period but could be used only to offset future farm income.

Under the Committee substitute, farm losses up to $25,000 could continue to be deducted in full against nonfarm income, but deductions in excess of $25,000 (where the taxpayer has nonfarm income of more than $50,000) could be subject to an initial 50% disallowance.

At his press conference, Senate Finance Committee Chairman Russell Long stated that the Committee substitute would produce more annual revenue than the House bill for about four years but that at the end of that time, the provisions contained in the House version of the bill would at least have caught up to and possibly produce more annual revenue than the substitute adopted by the Senate Finance Committee.

In preparation for my testimony before the Senate Finance Committee on 22 September on this subject, I requested from you comparative revenue estimates between my tax-dodge farming bill, S. 500, and each of the provisions contained in the House bill. I also asked how many returns would be affected.

Pursuant to my request, you informed me that my bill would affect in the neighborhood of 14,000 individual tax returns. You estimated that it would raise an additional $205 million a year from these individuals. The number of returns affected by the "Excess Deductions Account" provision of H.R. 13270 you estimated to be in the neighborhood of 3,000. By 1979, the estimated increase in tax liability under the farm provisions of the House bill were estimated as follows: excess deductions account, $10 million; depreciation recapture, $5 million; holding period for livestock, $5 million; hobby losses negligible; for a total of $20 million by 1979. You further estimated that sometime after 1979 the increase in tax liability ascribed to the excess deductions account provision would increase an additional $5 million.

I understand that comparative figures for corporations are not available. However, I point out when I testified that my bill would raise $205 million a year additional revenue from individuals as opposed to only $25 million a year under the farm provisions of the House bill.

I would appreciate it if at your earliest convenience you would provide me with similar information regarding the Senate Finance Committee's version of each of the farm sections contained in the House-passed bill. Since the Committee adopted the livestock depreciation recapture provision contained in H.R. 13270, I assume that your prior revenue estimate as to that provision would remain at $5 million a year.

Very truly yours,

———.

AMENDMENT

Page 139, beginning with line 10, strike out all through line 6, page 152 (section 211 of the bill), and insert the following:

"SEC. 211. FARM LOSSES.

"(a) IN GENERAL.—Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding after section 279 (added by section 411(a) of this Act) the following new section:

"'SEC. 280. LIMITATION ON DEDUCTIONS ATTRIBUTABLE TO FARMING.

"'(a) GENERAL RULE.—In the case of a taxpayer engaged in the business of farming, the deductions attributable to such business which, but for this section, would be allowable under this chapter for the taxable year shall not exceed the sum of—

"'(1) the adjusted farm gross income for the taxable year, and

"'(2) the higher of—

"'(A) the amount of the special deductions (as defined in subsection (d)(3)) allowable for the taxable year, or

"'(B) $15,000 ($7,500 in the case of a married individual filing a separate return), reduced by the amount by which the taxpayer's adjusted gross income (taxable income in the case of a corporation) for the taxable year attributable to all sources other than the business of farming (determined before the application of this section) exceeds $15,000 ($7,500 in the case of a married individual filing a separate return).

"'(b) EXCEPTION FOR TAXPAYERS USING CERTAIN ACCOUNTING RULES.—

"'(1) IN GENERAL.—Subsection (a) shall not apply to a taxpayer who has filed a statement, which is effective for the taxable year, that—

"'(A) he is using, and will use, a method of accounting in computing taxable income from the business of farming which uses inventories in determining income and deductions for the taxable year, and

"'(B) he is charging, and will charge, to capital account all expenditures paid or incurred in the business of farming which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

"'(2) TIME, MANNER, AND EFFECT OF STATEMENT.—A statement under paragraph (1) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Secretary or his delegate shall prescribe by regulations. Such statement shall be binding on the taxpayer, and be effective, for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Secretary or his delegate.

"'(3) CHANGE OF METHOD OF ACCOUNTING, ETC.—If, in connection with a statement under paragraph (1), a taxpayer changes his method of accounting in computing taxable income or changes a method of treating expenditures chargeable to capital account, such change shall be treated as having been made with the consent of the Secretary or his delegate and, in the case of a change in method of accounting, shall be treated as a change not initiated by the taxpayer.

"'(c) CARRYBACK AND CARRYOVER OF DISALLOWED FARM OPERATING LOSSES.—

"'(1) IN GENERAL.—The disallowed farm operating loss for any taxable year (hereinafter referred to as the "loss year") shall be—

"'(A) a disallowed farm operating loss carryback to each of the 3 taxable years preceding the loss year, and

"'(B) a disallowed farm operating loss carryover to each of the 5 taxable years following the loss year,

and (subject to the limitations contained in paragraph (2)) shall be allowed as a deduction for such years, under regulations prescribed by the Secretary or his delegate, in a manner consistent with the allowance of the net operating loss deduction under section 172.

"'(2) LIMITATIONS.—

"'(A) IN GENERAL.—The deduction under paragraph (1) for any taxable year for disallowed farm operating loss carrybacks and carryovers to such taxable year shall not exceed the taxpayers' net farm income for such taxable year.

"'(B) CARRYBACKS.—The deduction under paragraph (1) for any taxable year for disallowed farm operating loss carrybacks to such taxable year shall not be allowable to the extent it would increase or produce a net operating loss (as defined in section 172(c)) for such taxable year.

"'(3) TREATMENT AS NET OPERATING LOSS CARRYBACK.—Except as provided in regulations prescribed by the Secretary or his delegate, a disallowed farm operating loss carryback shall, for purposes of this title, be treated in the same manner as a net operating loss carryback.

"'(d) DEFINITIONS.—For purposes of this section—

"'(1) ADJUSTED FARM GROSS INCOME.—The term "adjusted farm gross income" means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property), reducted, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the lower of—

"'(A) the amount (if any) by which the recognized gains on sales, exchanges, or involuntary conversions of farm property which, under section 123(a), are treated as gains from sales or exchanges of capital assets held for more than 12 months exceed the recognized losses on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as losses from sales or exchanges of capital assets held for more than 12 months, or

"'(B) the amount (if any) by which the recognized gains described in section 1231 (a) exceed the recognized losses described in such section.

"'(2) NET FARM INCOME.—The term "net farm income" means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property), reduced by the sum of—

"'(A) the deductions allowable under this chapter (other than by subsection (c) of this section) for such taxable year which are attributable to such business, and

"'(B) in the case of a taxpayer other than a corporation, an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"'(3) SPECIAL DEDUCTIONS.—The term "special deductions" means the deductions allowable under this chapter which are paid or incurred in the business of farming and which are attributable to—

"'(A) taxes,

"'(B) interest,

"'(C) the abandonment or theft of farm property, or losses of farm property arising from fire, storm, or other casualty,

"'(D) losses and expenses directly attributable to drought, and

"'(E) recognized losses from sales, exchanges, and involuntary conversions of farm property.

"'(4) FARM PROPERTY.—The term "farm property" means property which is used in the business of farming and which is property used in the trade or business within the meaning of paragraph (1), (3), or (4) of section 1231(b) (determined without regard to the period for which held).

"'(5) DISALLOWED FARM OPERATING LOSS.—The term "disallowed farm operating loss" means, with respect to any taxable year, the amount disallowed as deductions under subsection (a) for such taxable year, reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"'(e) SPECIAL RULES.—For purposes of this section—

"'(1) BUSINESS OF FARMING.—A taxpayer shall be treated as engaged in the business of farming for any taxable year if—

"'(A) any deduction is allowable under section 162 or 167 for any expense paid or inourred by the taxpayer with respect to farming, or with respect to any farm property held by the taxpayer, or

"'(B) any deduction would (but for this paragraph) otherwise be allowable to the taxpayer under section 212 or 167 for any expense paid or incurred with respect to farming, or with respect to property held for the production of income which is used in farming.

For purposes of this paragraph, farming does not include the raising of timber. In the case of a taxpayer who is engaged in the business of farming for any taxable year by reason of subparagraph (B), property held for the production of income which is used in farming shall, for purposes of this chapter, be treated as property used in such business.

"'(2) INCOME AND DEDUCTIONS.—The determination of whether any item of income is derived from the business of farming and whether any deduction is attributable to the business of farming shall be made under regulations prescribed by the Secretary or his delegate, but no deduction allowable under section 1202 (relating to deduction for capital gains) shall be attributable to such business.

"'(3) CONTROLLED GROUP OF CORPORATIONS.—If two or more corporations which—

"'(A) are component members of a controlled group of corporations (as defined in section 1563) on a December 31, and

"'(B) have not filed a statement under subsection (b) which is effective for the taxable year which includes such December 31,

each have deductions attributable to the business of farming (before the application of subsection (a)) in excess of its gross income derived from such business for its taxable year which includes such December 31, then, in applying subsection (a) for such taxable year, the $15,000 amount specified in paragraph (2)(B) of such subsection shall be reduced for each such corporation to an amount which bears the same ratio to $15,000 as the excess of such deductions over such gross income of such corporation bears to the aggregate excess of such deductions over such gross income of all such corporations.

"'(4) PARTNERSHIPS.—A business of farming carried on by a partnership shall be treated as carried on by the members of such partnership in proportion to their interest in such partnership. To the extent that income and deductions attributable to a business of farming are treated under the preceding sentence as income and deductions of members of a partnership, such income and deductions shall, for purposes of this chapter, not be taken into account by the partnership.

"'(5) TWO OR MORE BUSINESSES.—If a taxpayer is engaged in two or more businesses of farming, such businesses shall be treated as a single business.

"'(6) RELATED INTEGRATED BUSINESSES.—If a taxpayer is engaged in the business of farming and is also engaged in one or more businesses which are directly related to his business of farming and are conducted on an integrated basis with his business of farming, the taxpayer may elect to treat all such businesses as a single business engaged in the business of farming. An election under this paragraph shall be made in such manner, at such time, and subject to such conditions as the Secretary or his delegate may prescribe by regulations.

"'(7) SUBCHAPTER S CORPORATIONS AND THEIR SHAREHOLDERS.—

"'For special treatment of electing small business corporations which do not file statements under subsection (b) and of the shareholders of such corporations, see section 1380.

"'(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.'

"(b) SUBCHAPTER S CORPORATIONS.—Subchapter S (relating to election of certain small business corporations as to taxable status) is amended by adding after section 1379 (as added by section 541(a) of this Act) the following new section:

"'SEC. 1380. ELECTING SMALL BUSINESS CORPORATIONS ENGAGED IN BUSINESS OF FARMING.

"'(a) SEPARATE APPLICATION TO FARMING INCOME AND DEDUCTIONS.—Under regulations prescribed by the Secretary or his delegate, an electing small business corporation which is engaged in the business of farming during its taxable year (other than a corporation which has filed a statement under section 280(b) which is effective for such taxable year), and the shareholders of such corporation, shall apply the provisions of sections 1373 through 1378, separately with respect to—

"'(1) income derived from the business of farming by such corporation and deductions attributable to such business, and

"'(2) all other income and deductions of such corporation.

In computing the taxable income and undistributed taxable income, or net operating loss, of such corporation with respect to the business of farming, no deduction otherwise allowable under this chapter shall be disallowed to such corporation under section 280.

"'(b) SHAREHOLDERS TREATED AS ENGAGED IN BUSINESS OF FARMING, ETC.—For purpose of section 280—

"'(1) each shareholder of an electing small business corporation to which subsection (a) applies shall be treated as engaged in the business of farming,

"'(2) the undistributed taxable income of such corporation which is included in the gross income of such shareholder under section 1373 and is attributable to income and deductions referred to in subsection (a)(1), and dividends received which are attributable to such income and deductions and are distributed out of earnings and profits of the taxable year as specified in section 316(a)(2), shall be treated as income derived from the business of farming by such shareholder, and

"'(3) the deduction allowable (before the application of section 280) to such shareholder under section 1374 as his portion of such corporation's net operating loss attributable to income and deductions referred to in subsection (a)(1) shall be treated as a deduction attributable to the business of farming.

"'(c) SPECIAL RULES OF SECTION 280(e) APPLICABLE.—For purposes of this section, the special rules set forth in section 280(e) shall apply.'

"(c) CLERICAL AND CONFORMING AMENDMENTS.—(1) The table of section for part IX of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"'Sec. 280. Limitation on deductions attributable to farming.'

"(2) Section 172(1) is amended by adding at the end thereof the following new paragraph:

"'(3) For limitations on deductions attributable to farming and special treatment of disallowed farm operating losses, see section 280.'

"(3) Section 381(c) is amended by adding at the end thereof the following new paragraph:

"'(24) FARM OPERATING LOSS CARRYOVERS.—The acquiring corporation shall take into account, under regulations prescribed by the Secretary or his delegate, the disallowed farm operating loss carryovers under section 280 of the distributor or transferor corporation.'

"(4) The table of sections for subchapter S is amended by adding at the end thereof the following new item:

" 'Sec. 1380. Electing small business corporations engaged in business of farming.'

"(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969, except that for purposes of applying section 280 (c) of the Internal Revenue Code of 1954 (as added by subsection (a)) with respect to disallowed farm operating losses of any taxpayer for taxable years beginning after such date—

"(1) such amendments shall also apply to the 3 taxable years of such taxpayer preceding the first taxable year beginning after such date, and

"(2) in the case of a taxpayer to whom section 1380(b) of such Code (as added by subsection (b)) applies for any of his first 3 taxable years beginning after such date, section 1380 of such Code shall apply with respect to the electing small business corporation of which such taxpayer is a shareholder for the 3 taxable years preceding each such taxable year of such taxpayer, but only with respect to any such preceding taxable year for which the corporation was an electing small business corporation."

Mr. METCALF. Mr. President, I ask unanimous consent that the section of the DSG Tax Reform Fact Book entitled "Other Loophole-Closing Provisions" be printed in the RECORD.

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

DSG TAX REFORM FACT BOOK

SECTION 6—OTHER LOOPHOLE-CLOSING PROVISIONS

Eliminate the $100 dividend exclusion

The Problem: Special income tax treatment is granted to corporation dividends that is not given to income from such sources as bank or savings bond interest. The exclusion is defended on the basis that it is compensation for double taxation of dividends (first through corporate tax on the company, then through income tax on the individual).

Present Law: The first $100 of ordinary dividends received from taxable domestic corporations is excluded from taxable income. A husband and wife, filing either jointly or separately, may each exclude up to $100 received from qualifying companies for the tax year. Since this is an exclusion, rather than a deduction, it applies on both itemized and unitemized returns.

The exclusion also applies to ordinary dividends on the capital stock of non-exempt cooperatives, stock of the Federal National Mortgage Association, the capital stock of building and loan associations (as distinct from so-called dividends on deposits and withdrawable accounts), and similar organizations.

Pending Proposals: A large number of tax reform bills included this proposal. H.R. 5250 (Reuss and others) would repeal the exclusion entirely. Identical or similar measures are H.R. 229, 1039, 1119, 3655, 6206, 6233, 6770, 6791, 7040, 7045, 7346, 7585, 8144, 9195, 9759, 9852, 10043, and 10253.

Revenue Impact: Treasury estimates repeal of the exclusion would increase revenue $225 million a year.

Proponents and Opponents: Little testimony was presented on this proposal most of it by sponsoring members. There was no direct opposition.

Administration Action: Neither the Treasury recommendations nor the Nixon Administration's proposals dealt with the dividend exclusion.

House Action: The House did not act on this proposal.

Enact a minimum tax on exempt income

The Problem: Present law gives preferential treatment to capital gains and certain other types of income through partial or total exclusion from taxable income. Some individuals structure their income to avoid all income tax liability. As a result, the system favors unearned income over wages and salaries. In 1967, the most recent year for which information is available, taxes paid by millionaires averaged only 25% of total income. Twenty-one of these millionaires and 134 other persons with incomes exceeding $200,000 escaped federal taxes altogether. It is estimated that an effective minimum tax proposal would affect about 40,000 wealthy taxpayers.

Present Law: There is no minimum tax at present. Special privileges and exemptions available and the amount of revenue lost each year to taxpayers avoiding taxes include: (1) $8.5 billion on capital gains from stock and other property sales; (2) $1.8 billion income from interest on state and local bonds; (3) $1.3 billion in income from oil, gas and more than 100 minerals eligible for depletion and other allowances; (4) $750 million in real estate income that escapes taxation when it is written off as accelerated depreciation; (5) $2.2 billion in deductions to charitable and other tax-exempt institutions; (6) $800 million to non-farmers who write off paper losses in farm operations against normally-taxable ordinary income, and (7) $500 million to those who have tax-exempt income yet write off all deductions against the taxable portion.

Pending Proposals: Minimum tax proposals are included in several tax reform bills introduced this year. H.R. 7980 (Fraser), for example, would impose a minimum tax on all incomes over $50,000. Identical or similar proposals are in H.R. 10842, 11353, 229, 1379, 2142, 5196, 6207, 6721, 7326, 7744, 7980, 9762, and 10237.

Revenue Impact: Treasury reports a limitation on tax preferences, one approach to the problem, would increase revenues $20 million in 1969, $40 million in 1970, and $80 million when fully effective in 1971. It is estimated that $1.5 bilion would be raised by imposing a 25% minimum tax on all excluded income exceeding $10,000 for individuals and $25,000 for corporations.

Proponents and Opponents: No organization witnesses appeared when Ways and Means held hearings on the minimum tax approach. Proponents include the AFL–CIO, UAW, and Longshoremen's Union.

Administration Action: The Treasury, in its December report, proposed a minimum tax with rates graduated from 7% to 35%, which would have the effect of keeping any individual from excluding more than half his total income from taxation. The Administration, in its April recommendations, called for a Limit on Tax Preferences (LTP) provision to limit income eligible for tax-free treatment. The limit on tax-free income would apply only to certain types, however, and would not become effective at the final 50% ceiling until 1971. It also would not apply to corporations.

House Action: The House voted to adopt a minimum tax that would work this way: It would tax at ordinary rates half the amount of otherwise excludable income that exceeds a person's taxable income, provided that these exclusions total more than $10,000. Thus if a person received $50,000 in salary and $150,000 in sheltered income, his tax would be levied on $100,000 rather than on $50,000 as under present law.

The specified income categories are (1) tax-exempt state and municipal bond interest; (2) the excluded half of capital gains; (3) appreciation in gifts of property to certain tax-exempt organizations; (4) the excess of accelerated over straight line depreciation in real estate, and (5) farm losses to the extent they exceeded losses figured under the inventory method of accounting. The minimum tax does not apply to tax-exempt income of corporations or to percentage depletion or intangible drilling costs, both important tax preferences for the petroleum industry.

Resource References: See Ways and Means Hearings, Volumes 5 and 7; Treasury Studies, Part 2.

Limit to $15,000 the amount of farm loss writeoff against nonfarm income

The Problem: Taxpayers with high bracket salary or other non-farm income create this tax shelter by investing in agricultural operations that use premature deductions to show losses in the early years of investment but later produce sizeable capital gains income. In 1967, for example, more than one million tax returns showed farm losses, compared to two million reporting from profit.

This tax avoidance opportunity stems from liberal accounting rules used to compute farm income and losses. They were adopted to spare the ordinary farmer the red tape involved in meeting more rigorous requirements of a business.

Present Law: Present law is best explained by using livestock as an example. The investor purchases livestock for breeding, dairy or draft purposes and deducts expenses of their care and maintenance. He also takes depreciation deductions on the cost of the herd. These deductions can offset his high-bracket non-farm income in the year they are taken. Later any profit on sale of the herd is taxed as capital gains. Even if the investor breaks even on these transactions before taxes, or has a loss on paper, the difference in the rate of tax between high-bracket ordinary income and capital gains income makes a substantial after-tax profit possible.

Investors can create a similar tax shelter when they invest in citrus groves or other income producing trees, in uncleared land to convert to farmland or a real estate development, or in other agricultural operations.

Pending Proposals: Several bills have been introduced to restrict or eliminate this tax shelter. H.R. 4257 (Culver and others) would limit the farm loss offset against nonfarm income to $15,000 in any taxable year. The measure would permit carry backs and carry forwards of any excess. Identical or similar measures are H.R. 5196, 5250, 6206, 6233, 6721, 6770, 6791, 7040, 7045, 7336, 7346, 7575, 7585, 7617, 7787, 7980, 8144, 8157, 8374, 8650, 8952, 8982, 9195, 9270, 9752, 9759, 9762, 9852, 10237, 11017, and 11174.

Revenue Impact: Treasury estimates farm loss writeoffs cost $800 million a year in revenue. It estimates $145 million would be raised by restricting farm loss writeoffs to $15,000.

Proponents and Opponents: Several farm groups have endorsed the Culver bill or other specific tax loss measures. Most farm and rural organizations, however, support the legislative principle rather than a specific bill. Main supporters are National Farmers Union, American Farm Bureau Federation, National Grange, National Farmers Organization, National Council of Farmers Cooperatives, National Association of Wheat Growers, Cooperative League of the U.S.A., National Association of Farmer Elected Committeemen, Farmland Industries, Midcontinent Farmers Association, National Catholic Rural Life Conference, AFL–CIO, and UAW. Major opponents testifying were the National Livestock Tax Committee, American National Cattlemen's Association, Oppenheimer Industries, and the American Hereford Association.

Administration Action: The Administration proposal would deal with the problem by limiting capital gains on a farm operation where losses exceeded $5,000 a year. When losses were higher a figure representing the excess would go into an Excess De-

ductions Account EDA). Future farm income would reduce the EDA and be taxed as ordinary income as long as anything remained in the EDA. No capital gains would be allowed as long as an EDA balance remained.

The proposals also would (1) provide for capture of excessive depreciation on livestock; (2) require livestock to be held two years for capital gains treatment, and (3) disallow "hobby farm" losses if they exceeded $50,000 for more than three of each five years (rather than the present five consecutive five years).

House Action: The House bill would require losses to be recorded in an excess deductions account (EDA). Capital gains realized from later sale of assets equal to this excess account would be taxed at ordinary income rates. The bill would apply only to those with non-farm income of $50,000 or more and would exclude the first $25,000 in losses from the excess deductions account provision. It also would disallow farm losses under the hobby farm provision if such losses exceeded $25,000 in 3 out of 5 years and extend the holding period requirement for capital gains treatment on livestock.

Resources References: See Ways and Means Hearings, Volume 6; Treasury Studies, Part 2.

Repeal unlimited charitable contribution deduction

The Problem: This special provision allows individuals to take an unlimited tax deduction for contributions of money, stocks and other property to foundations, churches, and other designated organizations. Recent studies show this provision is used by only about 100 of the nation's wealthiest families. Their income is mainly from dividends and tax-exempt bond interest and their tax liability small or nonexistent.

This deduction is a bigger loophole than it looks because it ties in with another tax avoidance provision. That provision bases the charitable deduction on the full value of the donated assets (usually stocks or real estate), which permits the taxpayer to avoid payment of capital gains on the appreciated value.

Present Law: Present law permits a taxpayer to deduct charitable contributions to a maximum of 20% or 30% of his income, depending on the type of tax-exempt organization to which contributions are made. These limits do not apply, however, if the taxpayer's contributions plus his income tax for the taxable year and eight of the preceding 10 years exceed, in each of these years, 90% of his taxable income (computed without regard to charitable contributions, personal exemptions, and net operating loss carryback).

Pending Proposals: More than 20 bills dealing with this provision have been introduced in the House. H.R. 5250 (Reuss and others) would repeal the unlimited deduction and put all taxpayers under the 20% and 30% limitations. Identical or simlar bills are H.R. 229, 1039, 1119, 3655, 5196, 6206, 6233, 6721, 6769, 6791, 7040, 7045, 7346, 7585, 6770, 8144, 9195, 9759, 10844, and 11017.

Revenue Impact: Treasury estimates eliminating this deduction, when fully effective in 1980, would raise $25 million in additional revenue. It also is estimated by Treasury that proposals to increase the 20% and 30% ceilings to an overall 50% limit would cost $20 million a year.

Proponents and Opponents: A wide range of religious, cultural, educational and charitable organizations either testified or submitted statements opposing repeal. Included were such groups as the American Association of Fund Raising Counsel, Inc.; American Sympathy Orchestra League; Population Council; Council of Jewish Federations and Welfare Funds, United Church Board of World Ministries, and National Catholic Welfare Conference. The National Association of Manufacturers also asked that all charitable contributions provisions remain unchanged. The AFL–CIO, UAW and Longshoremen's Union all urged that this loophole be closed.

Administration Action: The Administration has proposed increasing the limitation on charitable contributions for all taxpayers to 50% of adjusted gross income from the present top limit of 30%, effective with returns filed in 1970. It would continue the unlimited charitable deduction for individuals meeting the 8-of-10 years requirement, setting a new and lower overall limit of 80% on charitable contributions. And it would repeal the deduction for rental value of property leased rent-free to a charitable institution. Also recommended was a change in tax benefits of contributions of property. It would limit deductions for these gifts to the cost or other basis of the property. The effect is similar to taxing the appreciation of ordinary income assets in a charitable gift.

House Action: The House bill would (1) increase the general limit on the charitable contribution deduction for individuals from 30% to 50%; (2) repeal the unlimited charitable contributions deduction with a 5-year phaseout, and (3) tighten tax treatment of charitable contributions of art works and other appreciated property.

Resource Reference: See Ways and Means Hearings, Volumes 3, 4 and 5; Treasury Studies, Part 2.

Remove tax-exempt status of State and local bonds

The Problem: The interest on the roughly $130 billion in outstanding state and local bonds is exempt from federal taxation. Critics contend these tax-free bonds, which lose the Treasury $1.8 billion a year in potential tax revenue, are an inefficient way to finance state and local government projects. The reason is the Treasury loses $2 in taxes for every $1 in lower interest gained by governmental units issuing the bonds.

The exemption also has created a tax haven for commercial banks and other financial institutions, which now hold about $50 billion worth. Tax-exempt interest makes up about one-third of the income of commercial banks.

Present Law: Interest on obligations of a state or its political subdivision, or on the obligations of the District of Columbia or any of its subdivisions, is wholly exempt from tax. This includes such bodies as port authorities, toll road commissions, utility service authorities, and similar bodies created for furtherance of public functions.

Pending Proposals: A large number of bills to change the tax-free status of state and municipal bonds have been introduced in the House. H.R. 5250 (Reuss and others) would end the exemption and pay the state or locality issuing the bond an interest subsidy, providing the bond-issuing governmental unit agreed to this arrangement. Similar or identical proposals are H.R. 6206, 6770, 7040, 7045, 7346, 7585, 8144, 9195, 9756, 9852, and 10253.

Revenue Impact. It is estimated the revenue gained after ending the exemption and paying the interest subsidy would be $100 million a year.

Proponents and Opponents: Main opposition to the proposal comes from the National Association of Attorneys General, National Governors Conference, National League of Cities, National Association of Counties, and U.S. Conference of Mayors. Most of the support came from Members of Congress who recognize that many wealthy individuals have sizeable tax-free incomes from exempt bond interest and look on this exemption as an important unplugged loophole.

Administration Action: The Administration did not make a recommendation on the tax status of municipal bonds.

House Action: The House voted to encourage state and local governments to issue taxable bonds by giving them the option of continuing to market tax-exempt bonds or accepting a subsidy tied to issuance of taxable bonds. The subsidy would be equal to the average cost of the additional interest payable (over what the rate would be on a tax-exempt bond) plus a small additional amount.

Resource References: Ways and Means Hearings, Volume 6.

Drop accelerated depreciation on speculative real estate

The Problem: Preferential tax treatment for real estate subsidizes commercial and industrial buildings, motels and hotels, shopping centers, office buildings, and rental housing operators. These preferences include accelerated depreciation (twice the rate the law presumes the property will actually deteriorate) and reduced or deferred taxation of gains.

Combining these provisions provides tax-free cash flow plus the opportunity to use excess real estate deductions in sheltering ordinary income from tax. Deferred tax liability is, in effect, an interest, free federal loan. Finally, the property is usually sold after a few years and a good portion of the accelerated depreciation is never returned to the tax base and escapes taxation entirely.

Present Law: Under accelerated formulas new buildings can be written off at twice normal or "straight line" rates and the cost of used buildings can be charged off at 1½ times normal depreciation rates. Since depreciation writeoffs are considered a cost, they are added to interest and other expenses subtracted from rental income and the income tax, if any, is paid on the remainder. Usually bookkeeping losses results and landlords use these to offset ordinary income. When these properties are sold, the profit is taxed at capital gains rates and the new buyer is eligible to start the accelerated depreciation routine all over again.

Pending Proposals: Proposals to eliminate accelerated depreciation are included in most tax reform bills pending in the House. H.R. 5250 (Reuss and others) would disallow depreciation in excess of straight line on all speculative real estate. Identical measures are H.R. 6206, 6770, 7040, 7045, 7346, 7585, 8144, 9195, 9759, 9852, and 10253.

Revenue Impact: Treasury estimates closing this loophole would save $750 million a year. Some $500 million of this now subsidizes motels, office buildings, shopping centers, and commercial and industrial construction of all kinds.

Proponents and Opponents: Opponents testifying against elimination of accelerated depreciation included representatives of the National Association of Home Builders, National Association of Real Estate Boards, Realty Committee on Taxation, American Hotel and Motel Association, National Apartment Association, Mortgage Bankers Association of America, Investing Builders & Owners Association, U.S. Chamber of Commerce, and the International Council of Shopping Centers, Inc.

The National League of Cities and U.S. Conference of Mayors filed a statement generally critical of preferential treatment of real estate. But they supported continuation of special provisions for new or rehabilitated housing. The AFL–CIO has taken a similar position, calling for continuing rapid depreciation for low and moderate income housing.

Administration Action: Depreciation on real estate would be subject to the Administration's proposed Limit on Tax Preference (LTP) to the extent that it exceeded deductions allowable under a straight line formula. LTP is a minimum tax approach to certain income that now escapes taxation.

House Action: The House bill would preserve 200% declining balance depreciation for apartment house construction and allow only 150% straight line on commercial and industrial construction. Apartment houses no longer held by original owners would be

cut back to the straight line rate. A new feature would encourage rehabilitation of old residential properties by allowing amortization over a 5-year period. It also would make it easier for the government to recapture for tax purposes, when a building is sold, the excess depreciation that has been taken.

Resource References: See Ways and Means Hearings, Volume 8; Treasury Studies, Part 3.

Require allocation of deductions between taxable and nontaxable income

The Problem: Highly preferential treatment now allows billions of dollars in income to escape taxation entirely each year. Yet the tax-exempt status of this income is only part of the benefit. The deductions taken for personal and non-business expenses come off any taxable portion that is left, offsetting some of it and making even more of the total tax-free.

Present Law: Under present law an individual can receive two kinds of income: (1) income subject to tax such as salary and interest, and (2) income exempt from tax such as interest received on municipal bonds and one-half of long-term capital gains. The law allows an individual to reduce the amount of his income subject to tax by deductions for all his personal expenses, even though part of such expense is paid out of tax-exempt income.

In this situation, the present tax structure enables the taxpayer to receive a double benefit from his tax-exempt income. Such income is not included in his tax return. And he is permitted to reduce his other income subject to tax by the full amount of his deductible expenses.

Pending Proposals: Proposals to allocate deductions on a proportional basis between taxable and tax-exempt income were not included in the major reform bills introduced in the House this session.

Revenue Impact: Treasury estimates that revenue gained from allocation of deductions for individuals with $5,000 or more in exempt income would be about $405 million a year.

Proponents and Opponents: There was no organized opposition to the allocation of deductions approach. The AFL–CIO is a strong supporter.

Administration Action: Treasury, in its December recommendations, called for allocation of non-business itemized deductions between taxable and nontaxable income for individuals with at least $5,000 in tax-exempt income. The Nixon Administration proposal is basically the same except for a two-year phase-in provision.

House Action: The bill passed by the House provides an allocation approach similar to the Administration proposal. It would apply only to individuals with $1,000 or more in tax-exempt income and to these categories of tax-exempt income: (1) interest on state and local bonds; (2) the one-half of net long-term capital gains excluded from income; (3) appreciation in value of property donated to charity to the extent the appreciation was deducted as a charitable contribution but not included as income; (4) intangible drilling costs and a portion of percentage depletion; (5) real estate depreciation in excess of straight line, and (6) certain farm losses.

Resource References: Treasury Studies, Part 2.

Mr. METCALF. Mr. President, the final section of the Tax Reform Fact Book deals wtih four tax relief proposals. The Senate Committee on Finance has already reached agreement in one of these areas. The House-passed bill would have provided that the maximum marginal tax rate applicable to an individual's earned income is not to exceed 50 percent.

The effect of this would have been to provide an alternative tax computation for earned income under which earned income in the taxable income brackets where the tax rate would otherwise be greater than 50 percent would be subject to a flat 50-percent rate. On October 10 the Senate Committee on Finance agreed to delete this provision from the House bill.

On August 18 the staffs of the Joint Committee on Internal Revenue Taxation and the Committee on Finance made available a statistical table which lists the revenue effect of all the tax relief provisions contained in the House-passed bill.

Mr. President, I ask unanimous consent that both the table and the final section of the DSG Tax Reform Fact Book to be printed at this point in the RECORD.

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

TABLE 4.—TAX RELIEF PROVISIONS AFFECTING INDIVIDUALS AND TOTAL FOR ALL REFORM AND RELIEF PROVISIONS AFFECTING INDIVIDUALS, WHEN FULLY EFFECTIVE, BY ADJUSTED GROSS INCOME CLASS, 1969 LEVELS

[In millions of dollars]

AGI class	Reform provisions	Low income allowance	Elimination of phaseout	15-percent $2,000 standard deduction	General rate reductions	Maximum tax on earned income	Intermediate tax treatment	Total relief provisions	Total, all provisions
0 to $3,000	+16	−552	−202		−27		−10	−791	−775
$3,000 to $5,000	−3	−72	−788		−141		−45	−1,046	−1,049
$5,000 to $7,000	+3	−1	−594		−329		−75	−999	−996
$7,000 to $10,000	+7		−335	−228	−663		−130	−1,356	−1,349
$10,000 to $15,000	+26		−83	−789	−975		−111	−1,958	−1,932
$15,000 to $20,000	+23		−16	−231	−496		−55	−798	−775
$20,000 to $50,000	+90		−8	−117	−806		−135	−1,066	−976
$50,000 to $100,000	+137		−1	−7	−420	−20	−54	−502	−365
$100,000 and over	+1,081			−1	−641	−80	−35	−757	+324
Total	+1,380	−625	−2,027	−1,373	−4,498	−100	−650	−9,273	−7,893

DSG TAX REFORM TAX BOOK

SECTION 7—TAX RELIEF

Increase regular standard deduction

The Problem: The regular standard deduction was introduced in 1944 as an option for taxpayers who did not want to keep detailed records and itemize returns. It gave them the option of subtracting 10% of their adjusted gross income, up to $1,000, and paying taxes on the remainder. The 10% figure was high enough then to dissuade 82% of all taxpayers from itemizing.

By 1965, however, it was obvious the 10% figure was too low because only 59% used the optional deduction rather than itemizing. An estimated 42% used it this year. The drop is blamed on growing deductions for state and local taxes and home ownership interest and on the fact that it continues to cover only the first $10,000 of taxable income.

The standard deduction also provides some tax relief for those with less than 10% in allowable deductions. An increase would provide substantial tax reduction for many low-income taxpayers.

Present Law: Taxable income is computed by subtracting allowable deductions for personal expenses and personal exemptions from adjusted gross income. As an alternative to itemizing deductions, a taxpayer may elect to claim a standard deduction equal to 10% of his adjusted gross income, up to $1,000 ($500 for married persons filing separately). The standard deduction added to personal exemptions is subtracted from adjusted gross income to get the taxable income figure.

Pending Proposals: Several reform bills introduced this session call for increases in the regular standard deduction. H.R. 9680 (Fraser) would increase it to 14% with an $1,800 maximum. Similar or identical measures are H.R. 9762, 10090, 10135, and 9936.

Revenue Impact: Treasury estimates raising the $1,000 standard deduction ceiling to $1,800 would provide $1.4 billion in tax relief to about 14.6 million families and individuals. Nearly all would be in the $5,000 to $20,000 income range.

Proponents and Opponents: The AFL–CIO, UAW and Longshoremen's Union were among those testifying for higher standard deduction ceilings. Mortimer Caplin, former Internal Revenue commissioner, also supoprted an increase. There was no organized opposition.

Administration Action: The Treasury, in its December recommendations, called for raising the regular standard deduction to 14% with a new $1,800 ceiling. It estimated the new deduction would be used in 80% of the returns by taxpayers who would no longer find it advantageous to itemize.

The Nixon Administration did not recommend a regular standard deduction increase.

House Action: The House voted to raise the standard deduction to 13% with a $1,400 ceiling in 1970, to 14% with a $1,700 ceiling in 1971, and to 15% with a $2,000 ceiling in 1972.

Resource References: Ways and Means hearings, Volumes 5 and 7; Treasury Studies, Parts 1 and 2.

Reduce rates for the bottom income tax brackets to 9 percent and 13 percent

The Problem: Many inequities of present tax law are related to the use of marginal tax rates on taxable income. These rates are blind to financial circumstance and apply equally to all taxpayers. Both rich and poor, as a result, pay 14% or $140 on the first $1,000 of taxable income, 15% or $150 on the second, and so on. The effect is the same with each higher bracket.

It is possible, however, to reduce the proportionate tax burden on low-income families and individuals by cutting the bottom rates. Studies show that about 95% of the relief from cuts in the two bottom brackets would go to those with taxable incomes under $20,000.

Present Law: Present marginal tax rates begin at 14% on the first $1,000 of taxable income and range up to a 70% top bracket maximum.

Pending Proposals: None of the tax reform bills introduced in the House this session included an income tax-rate-cutting provision.

Revenue Impact: Cost to the Treasury of a proposal reducing the present 14% and 15% rate brackets to 9% and 13% is estimated at $3.4 billion a year.

Proponents and Opponents: The main supporter of this tax relief approach is the AFL–CIO. The proposal did not attract much attention during the Ways and Means hearings. It also did not draw any important opposition.

Administration Action: The Nixon Administration did not propose rate cuts.

House Action: The House included a two-stage rate cut provision in the bill that would provide reduction of at least 5% when fully effective in calendar 1972. The top rate would be cut from the current 70% to 65% and the lowest rate cut from 14% to 13%.

Resource References: Ways and Means hearings, Volume 12.

Raise minimum standard deduction

The Problem: Recent studies show 2.2 million families and individuals with incomes below officially-designated poverty levels have to pay federal income taxes. Many others with comparatively low incomes pay substantial amounts. Included are hundreds of thousands of students who have sizable sums withheld from wages. They end up paying $100 a year or more in federal income taxes on summer or part-time work, yet operate at a financial deficit to continue in school.

The difficulty in meeting this problem is devising a plan that would (1) be simple to administer; (2) make the proper allowance for family size, and (3) phase out in such a way that its impact would go to those needing relief the most.

Present Law: Taxpayers who do not itemize deductions now are entitled to a minimum standard deduction of $200 plus $100 for each family member up to an overall limit of $1,000.

Pending Proposals: Among the many tax relief bills introduced in the House this session is H.R. 9523 (Culver), which would increase the minimum standard deduction to $600 plus $100 for each exemption. Similar or identical measures are H.R. 9680, 9762, 10090, 10135, 12181, and 9253.

A low income allowance, a form of minimum standard deduction, was a major provision of H.R. 12290, the bill to extend the surtax that passed the House, 210–205, on June 30.

Revenue Impact: Treasury estimates the plan in H.R. 12290 would cost $665 million in Fiscal 1971, its first full year in operation. Its studies show an estimated 12.7 million low-income taxable returns would have tax cuts under this provision, with 6 million of these made nontaxable.

The Treasury estimate for the cost of raising the minimum standard deduction to $600 plus $100 for each deduction with a $1,000 limit is $1.1 billion a year.

Proponents and Opponents: The AFL–CIO supported the Treasury's December recommendation ($600 plus $100 per exemption and a $1,000 limit) in its testimony. The UAW supported it in principle but told the Committee the $1,000 limit was too low.

Administration Action: Treasury, in its recommendations last December, suggested raising the level of the minimum deduction to $600, plus $100 for each personal exemption, up to a maximum of $1,000.

The Administration, in its proposals submitted in April, asked for a low income allowance (See H.R. 12290 passed by the House) designed to disappear as income rises beyond officially designated poverty levels.

The low income allowance provision works this way: It is a variable amount that, when added to the minimum standard deduction, totals $1,100. This, added to the $600 exemption per person, almost exactly matches the federal poverty standard for each family size. Above a certain cutoff point tied to the poverty level, the allowance is gradually phased out by reducing it by $1 for each $2 of added income. For the single person it would disappear at $3,300; for the family of four, at $4,500.

House Action: The House bill included the low income allowance which had passed previously as a part of H.R. 12290. It did not include the allowance phaseout provision included in H.R. 12290 and backed by the Administration, however. This means it would provide as much as $2.7 billion in tax relief when fully effective.

Resource References: See Ways and Means hearings, Volumes 7 and 9; Treasury Studies, Part 2.

Increase the personal exemption

The Problem: The $600 personal exemption has been in effect since 1948, unchanged despite inflation and cost-of-living increases in intervening years. Treasury estimates a comparable 1969 figure, reflecting these increases in line with changes in government economic indexes, would be $891.

An increase in the exemption has been criticized as a tax change because each $100 increase means much more to the rich than to the poor. For example, it would mean only $14 in tax relief for the low-income taxpayer in the 14% bracket and $70 for the wealthy individual at the 70% level.

Present Law: Exemptions are allowed against adjusted gross income of all taxpayers, regardless of whether they itemize deductions, take the 10% standard deduction, or use the minimum standard deduction. A taxpayer is entitled to one $600 exemption for himself and each dependent. An additional $600 exemption is allowed for each person over 65. And an additional $600 exemption is allowed for blindness.

Pending Proposals: More than 200 bills calling for personal exemption increases were introduced in this session. They called for increases to $700, $750, $850, $900, $1,000, $1,200, $1,500 and $2,000. Several of the proposals also called for extending the exemption for blindness to other handicapped persons.

Revenue Impact: Treasury estimated increasing the personal exemption from $600 to $1,200, based on 1969 earnings levels, would cost $17.3 billion.

Proponents and Opponents: Most of the support has come from Members of Congress. There is no organized opposition to an increase.

Administration Action: The Treasury, in its December recommendations, proposed a higher exemption for those over 65 but did not call for changes applying to other dependents.

The Nixon Administration has not called for any exemption changes.

House Action: The House took no action on personal exemptions.

Resource References: Ways and Means Hearings, Volume 5; Treasury Studies, Part 2.

Mr. METCALF. Mr. President, on October 16, I made available that section of the Tax Reform Fact Book which discusses the taxation of oil, gas, and minerals. By way of addition, I have since discovered that the Representative from Florida, Mr. GIBBONS, has previously introduced a bill, H.R. 9735, that deals directly with the subject of mineral production payments.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

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

VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which the clerk will state.

The LEGISLATIVE CLERK. H.R. 11959, to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters.

AMENDMENT OF THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 487, S. 1455.

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

The LEGISLATIVE CLERK. S. 1455, to amend section 8(c)(2)(A) of the Agricultural Marketing Act of 1937, as amended, so as to include Colorado, Utah, New Mexico, Illinois, and Ohio among the specified States which are eligible to participate in marketing agreement and order programs with respect to apples.

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

Thereupon, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 3, after the word "That", strike out "the first sentence of section 8c(2)(A) of the Agricultural Marketing Agreement Act of 1937, as amended," and insert "clause (A) of the first sentence of section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation,"; and on page 2, line 3, after the word "and", strike out "Ohio.'"; and insert "Ohio".'"; so as to make the bill read:

S. 1455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (A) of the first sentence of section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended by striking out "and Connecticut" and inserting in lieu thereof "Connecticut, Colorado, Utah, New Mexico, Illinois, and Ohio".

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

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1455) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "An act to amend section 8c(2)(A) of the Agricultural Adjustment Act to provide for marketing orders for apples pro-

duced in Colorado, Utah, New Mexico, Illinois, and Ohio."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-491), explaining the purposes of the measure.

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

EXPLANATION OF BILL

This bill extends authority for marketing orders to apples produced in the States of Colorado, Utah, New Mexico, Illinois, and Ohio (including those for canning or freezing) and their products (other than canned or frozen products). Similar authority now exists for apples produced in the States of New York, Michigan, Maryland, New Jersey, Indiana, California, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, and Connecticut; and, except as to those for canning or freezing, to apples produced in the States of Washington, Oregon, and Idaho.

The bill is identical to section 804 of S. 3590, as passed by the Senate on July 20, 1968.

COMMITTEE AMENDMENTS

The committee amendments merely correct the citation of the provision being amended, and the punctuation.

BACKGROUND INFORMATION

Marketing orders are designed to improve returns to growers through orderly marketing. Orders may (1) regulate the quality of the commodity shipped in order to keep inferior products from depressing prices; (2) regulate the quantity of the commodity marketed by rate of flow or by total quantity; (3) provide for stndardized containers or packs; (4) provide for marketing research and development projects; (5) prohibit unfair trade practices; (6) require price posting; and (7) authorize the collection and dissemination of marketing information.

Orders are issued only after notice, hearing, and determinations by the Secretary that the order will effectuate the purpose of the act and that it is favored by two-thirds of the producers (by number or volume of production).

While not required by statute, orders are always initiated by the producers of the commodity to be regulated, and orders regulating fruits and vegetables are almost always accompanied by handler agreements providing for identical regulation and signed by handlers of 50 percent of the volume of the commodity.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

A REBUTTAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that "A Rebuttal," subheaded above, "Point of View," a commentary by Ward Just, relative to the situation existing in Vietnam and the difficulties confronting both this country and the South Vietnamese as well as the North Vietnamese and the Vietcong, be incorporated in the RECORD at this point.

Before the Chair rules, let me say that, in my opinion, Ward Just is one of the fairest and most competent reporters and commentators about the situation in Vietnam. That does not necessarily mean I approve all he has said in this commentary, but I do think it is worthwhile for the Senate's consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

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

A REBUTTAL

(A commentary by Ward Just)

I suspect that Nicholas von Hoffman is right when he says that people in their heart of hearts don't care whether we bug out, run out, march out, stumble out, crawl out or fade out of South Vietnam. Who wants to negotiate about cancer? He is talking about a substantial minority in this country, people who have had it, as the President once said in another connection, up to *here;* thus frustrated, convinced the nation is acting immorally, they want to quit.

It would not be difficult to do, and sure as shooting there is a paper in the White House describing the scenario, how Kennedy and Johnson were responsible for the war, how Nixon, Kissinger and Company gave it the good college try but saddled with an impossible Saigon government and an intransigent and seemingly inexhaustible enemy, had concluded, for the good of the country, that losses must be cut. Add a few juicy charges of past mismanagement of the war (God knows there is enough evidence of it), and conclude that the South Vietnamese must now proceed on their own. America has done all it could, and Godspeed to the survivors. And the kids and their parents are pacified. They won't have to go to war in South Vietnam.

It is a pointless exercise to argue the politics of it, whether or not the loss of Vietnam will lead to the loss of Waikiki or even of Bangkok. Even so, that's a detail—arguable either way with most thoughtful men probably believing that yes, a loss in Vietnam probably means the "loss" of Southeast Asia, but if it did, which it might, so what. Southeast Asia, like China, is not our's to lose. "In the last analysis it's *their* war," President Kennedy said, blah blah blah. So it is necessary to set up the argument another way, to make it relevant, as they say, to what's happening now. This is to speak of the war in terms of its morals, and to do that is to examine it from the perspective of the Vietnamese.

Many of the Americans who so vehemently oppose the war do so from the position that the United States has virtually destroyed what it has tried to save. It is a fair point and an accurate one, far fairer and more accurate than they might suspect.

The Vietcong had all but won the war in early 1965, before the introduction of American combat troops. The test of strength was decently fair, with the indigenous Southern army with American support fighting the indigenous Southern guerrillas with North Vietnamese support. It seemed clear then that the Communists had the support of the people of South Vietnam. Theirs was the strong tide, and in that Buddhist nation, a nation with an ear tuned to the flow of history (in American political argot it means riding with the winner), the strong tide was the one that would win. The ordinary citizen, not wishing to be out of harmony, would go along; to refuse was to commit an unusual act of defiance. Defiance in that sense is not the Vietnamese way. So in 1965 the Saigon government was playing out a very weak hand, with little support in the country.

The Americans changed all that, first with the money and the men and then, in 1966, by taking charge of the prosecution of the war. What that did was free the South Vietnamese from the necessity for choice. The Americans ran the war now, and the South Vietnamese were obliged to go along with it—whether they wanted to or not. Many of them did. Others did not. Some of those who had managed to sit on the razor's edge were now forced to ante in with the allies. In a society as astoundingly resilient as South Vietnam's, many more continued to play both ends. But it became increasingly more difficult as 100,000 men became 200,000 men and finally half a million and $30 billion a year. What this means is very simple. It is that the responsibility for prolonging the war is this country's, not Saigon's nor Hanoi's.

The problem is that the tragedy is much, much deeper than Nicholas von Hoffman and others would have it. It would be wonderful if we could just walk away from it, pull the boats up to Camranh Bay and steal away into the night, leaving Saigon and Hanoi to work things out their own way. But if you did that you would want the journalists to leave along with the soldiers because the stories that would come with the Communist victory would be pretty grim stories, 20 years of scores to settle.

Our responsibility is not to Thieu or Ky or any of the other generals or merchants, nor is it to the South Vietnamese constitution nor to Freedom, nor even to the Americans who have died there, almost 40,000 now and 250,000 wounded. The responsibility is to those South Vietnamese who have been obliged to fight or otherwise resist the Communists because the Americans disturbed the normal course of events and changed the war. That is why the responsibility goes so deep, and it is a responsibility that will not be discharged by importing three million Vietnamese and parking them in the middle of Utah. But it is either that or stand by and watch the slaughter. Of course there may be no slaughter. Possibly not, but I know of no one who would make a bet on that. Twenty years of scores to settle.

That is not an argument bound to find much favor anywhere, because the Vietnamese are not nature's noblemen and we have had them around our necks for too long. For God's sake, for how much longer are we going to pick up the morning paper and find Vietnam all over page one? Whoever heard of Danang before 1965? The bitterness and anger sifts down and finally people say the hell with it. Get out, get out; get out, and we don't care how; get out, and get out right now; get out, or we'll blow the house down. And we don't care what happens later. What happens in the future doesn't matter, because nothing could be worse than the present.

But huh uh, kiddies; it won't work. This particular tragedy isn't going to go away because American college students are excused from duty in the rice fields. It's there with us now, and is going to be there for a generation and the question the moralists ought to ask themselves is where they intend to assign the responsibility for the blood left in the wake of the American boats, pulled up there in such haste at Camranh Bay. When the newspaper displays the photographs of those killed, what do we do then? Avert our eyes? Blame Lyndon Johnson? Perhaps pretend it isn't as bad as it looks, that the victims are war profiteers, or corrupt generals, or pimps or double agents. To the neurotic young it won't matter; American imperialism will be to blame, and that will be that. But what of the rest of us?

All we can do now is play out the tragedy, and try to learn the right lessons. On the ground in South Vietnam, revise the rules

of engagement, initiate a cease-fire, keep withdrawing troops, but keep security as well; try to keep people alive, ours and theirs; wind all of it down, but in the winding be mindful that there are people whose lives are at the mercy of the Americans. What is entirely misunderstood in the current flight from reality is that this war is not Kennedy's war or Johnson's war or Nixon's war, it's America's war and we all bear some responsibility for it, and for its decent resolution. And the heroes of it are not in Sweden. The heroes are dead.

Our accountability to the South Vietnamese is not without end, but it is there for the immediate future. That is the price you pay for undertaking the direction of someone else's life. What extraordinary courage and toughness it will take now for Americans to be decent.

VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the committee amendment, in the nature of a substitute, to the pending measure be agreed to at this time and that it be considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I also ask unanimous consent that the staff members of the Committee on Labor and Public Welfare be authorized to be in the Chamber during consideration of H.R. 11959.

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

Mr. CRANSTON. Mr. President, before presenting my floor statement describing and discussing H.R. 11959 in detail, I will make a few comments on some of its most salient aspects.

The critical problem which the bill is designed to remedy is the low participation rate under the current GI bill educational assistance program.

Today, achievement in school is substantially more important to an individual than it was at the time of the Korean conflict.

Whereas at that time the median level of education achieved by a person 25 years and older was 9.3 years, by 1967 it had risen to 12 years.

Today it is even higher.

Nevertheless, during the first 3 years of operation of the present GI bill program, the overall participation rate is fully 25 percent lower than it was after 3 such years under the prior two programs.

This means that today's veteran who needs a higher level of education and training because of the sophistication of today's requirements are not finding it possible to upgrade their skills and education under the GI bill.

And most unfortunately, those veterans in the greatest need of further education and training are precisely those taking the very least advantage of that program.

Whereas 23 percent of the enlisted separatees from military service are high school dropouts, only 6.1 percent of all eligible high school dropout veterans have taken advantage of their educational benefits under the current program. This is 6.1 percent of a total population of 1.7 million post-Korean conflict high school dropout veterans.

Disturbing as this is, even more disturbing is the fact that after the first 3 years of operation of the prior two GI bill programs, the proportion of high school dropout veterans taking advantage of the GI bill education benefits was three times as great as the present rate.

The committee sought to remedy this participation rate problem in two basic ways.

First, by giving our present-day veterans an allowance rate covering the same proportion of education costs as were covered by the allowance paid Korean conflict veterans. This is title I of the bill.

And second, by providing for specially designed programs to prepare and assist high school dropout veterans in furthering their education and training. This is title II.

Title II is well described by its name: "Special assistance for educationally disadvantaged veterans; predischarge education program; veterans' outreach services program; miscellaneous amendments to veterans' and dependents' education programs."

I will describe these measures in some detail later.

Regarding the rate increase, which was proposed by Senator YARBOROUGH originally in S. 338, each Senator has on his desk a fact sheet which clearly shows the enormous disparity between the amount of comprehensive education costs covered by the Korean conflict GI bill and those covered presently.

For example, let us focus upon the allowance paid a veteran with no dependents pursuing an undergraduate college course.

At present he receives $130 per month. Under the Korean conflict program, he received $110 per month.

That $110 covered approximately 98 percent of the average tuition, board and room costs at that time.

The $130 paid today covers only about 67 percent of the costs.

This is because those comprehensive education costs have increased more than 75 percent since enactment of the Korean conflict GI bill, whereas the educational assistance allowance has been increased by only about 18 percent.

This means that in terms of Korean conflict dollars, today's veteran is receiving only about $74 to cover the costs of his education.

This amount is even less than a World War II veteran received solely for subsistence 21 years ago, and his tuition, fees and book costs were paid for directly over and above this $75.

The reported bill would restore the 98-percent coverage of education costs that existed under the Korean conflict program by raising the present $130 rate to $190.

This should be contrasted with the House-passed increase to only $165 which would cover only about 85 percent of present-day education costs.

In a letter to Senator YARBOROUGH, made public on October 21, the President expressed his "extreme concern" about what he termed the inflationary impact of the rate increase proposed by the committee to restore comparability of Korean conflict coverage for our present veterans.

Instead, the President endorsed a wholly inadequate increase of only 13 percent based on the rates established in 1967. This would raise the allowance from $130 to $147, less than half of the House-passed increase which itself fails to accomplish the necessary job.

I find the President's position entirely untenable.

First, the rates in the post-Korean conflict GI bill enacted in 1966 were plainly inadequate to begin with.

They were $100 a month which was $10 less than the rate enacted 14 years earlier in the Korean conflict bill.

This disparity was only slightly corrected when in 1967 the rate was increased to $130 which made it just equal to the figure which had already been established 2 years earlier—in 1965—as the allowance for war orphans and widows.

I share the President's concern over inflation. But, I reject the notion that expenditures to build better educated and more productive citizens are really inflationary.

If we fail to provide this essential education and training to so many of our veterans, who need it so badly, we will have to pay the costs in the future.

We will pay in terms of disbursements of unemployment compensation and welfare payments.

We will pay in terms of greater Veterans' Administration medical and hospital care expenditures.

We will pay in terms of lost production of goods and services.

And we will pay in terms of lost gross national product and tax revenues.

Moreover, it is essential that we recognize that, just as we must provide ammunition and armaments for our servicemen, an integral part of the cost of the war we are waging is the cost of assisting those servicemen to adjust to civilian life and succeed in it after their service.

When they return to civilian life, they are the victims of the inflationary situation which all of us are concerned about rectifying and from which all of us suffer.

But we must not victimize them still further by shortchanging them on the level of benefits which they need and deserve to help them in their education and training.

The resources of a young man returning from Vietnam are already meager, and we need not and must not compound his difficulties by making only a token

change in an antiquated and grossly inequitable rate structure.

Our veterans must not be sacrificed on the altar of efforts to combat inflation.

In speaking about inflation last week, the President referred to the "bitter medicine" that many citizens would have to swallow if the effort to combat inflation was to succeed.

If such medicine is to be the prescription for some of us in this country, it would be sinking to the very depths of ingratitude and injustice to administer such a potentially destructive dose to those men who have risked their lives and limbs in the service of their country.

Now I will describe the committee action and the reported bill—H.R. 11959—in greater detail.

H.R. 11959 was reported, and the Labor and Public Welfare Committee report on it was filed, on October 21, 1969. The measures in the reported bill were the subject of 5 days of hearings before the Subcommittee on Veterans' Affairs, which I am privileged to chair.

Testimony was presented by spokesmen of the administration, veterans organizations, numerous educational institutions and organizations, Senators, and other concerned parties. Except for the position of the administration, the testimony in support of the measures included in the reported bill was virtually unanimous. I will describe the administration's current position later on in this statement.

The bill reported by the Labor and Public Welfare Committee contains an amendment in the nature of a substitute including the provisions of eight bills as follows: It incorporates the principal provisions of S. 338 and a proposed amendment to it, introduced by Senator YARBOROUGH; S. 1998, introduced by Senator YARBOROUGH; S. 2036, introduced by Senator DOMINICK; S. 2361, introduced by Senator KENNEDY; and S. 2506, and a proposed amendment to it, S. 2668, and S. 2700, the three of which I introduced. The committee substitute also incorporates the essential features of S. 1088, introduced by Senator JAVITS; most sections of H.R. 6808; and retains section 3 of H.R.11959.

On the basis of extensive testimony regarding the disturbingly low participation rate in the present GI bill program and executive session consideration of the many bills I have just mentioned by the subcommittee and full committee, the committee concluded that a consolidated bill was necessary in order to present a coordinated and interconnected package of measures to bring about a substantially increased rate of participation in the GI bill education program by eligible veterans and eligible dependents.

The actions of the subcommittee and the full committee in reporting these measures were unanimous, evidencing broad bipartisan support for strong legislative action to provide our present-day veterans with the same degree of GI bill coverage as was provided veterans of the Korea conflict and also to attack the extremely low participation rate in the GI bill program by high school dropout veterans. And I wish to thank my fellow subcommittee and full committee members for their full and expeditious consideration of these measures so vital to our veterans and our Nation.

The reported H.R. 11959 is broken down into two titles. Title I contains the provisions of S. 338, the proposed amendment to it, and S. 1998, with certain relatively minor amendments described in the committee report on pages 19–26. Those measures were all introduced by the distinguished chairman of the Labor and Public Welfare Committee, Senator RALPH W. YARBOROUGH of Texas, who is also the ranking majority member of the Veterans' Affairs Subcommittee. Senator YARBOROUGH served with great dedication and distinction as chairman of that subcommittee longer than any other chairman—for 7 years. During this time, he battled mightily with three administrations to enact a post-Korean conflict GI bill. He was finally successful in achieving this landmark goal when the Congress enacted the Veterans Readjustment Benefits Act of 1966.

I have already spoken about the provisions of title I of the reported bill, and I expect that Senator YARBOROUGH, as the author of those provisions, will be discussing them in great detail in this statement.

Title II of the bill incorporates the provisions of the eight other bills to which I referred earlier. It also includes two amendments offered in committee—contained in section 201(a) and section 208—which are discussed on pages 26–29 and 65 and 66, respectively, of the committee report.

With the exception of some relatively minor provisions in the reported bill, the administration had not until the day before yesterday taken a position on the merits of any of these programs. Rather it had recommended that any legislative action be delayed until the President's Cabinet Committee on the Vietnam Veteran, appointed on June 5, 1969, had completed its study and submitted its recommendations. Although that committee on October 20 transmitted to the President an interim report, it appears quite certain that its final report will not be available for at least another month. And after that no timetable has been set for submission to the Congress of Presidential recommendations for legislative action.

In light of the extensive testimony before the Veterans' Affairs Subcommittee demonstrating the urgency of prompt and favorable action on virtually all the legislation under consideration, the committee determined that it must proceed to act on these important legislative proposals. Thus, on October 9, H.R. 11959, with amendments, was ordered reported by the committee.

Turning now to the specific measures in the reported bill, the five principal programs in the committee's comprehensive education and training proposal are described in the committee report, as follows:

(1) Increasing GI bill allowance rates under chapters 31, 34, and 35 of title 38, United States Code, by approximately 46 percent in all programs, including those for war orphans and widows;

(2) Establishing a new farm cooperative program, similar to the one which was previously in effect under the Korean conflict GI bill, which stresses on-farm training rather than institutional instruction;

(3) Establishing a number of new education and training programs designed especially for high school and elementary school dropouts and other educationally disadvantaged veterans, including a pre-discharge education program, special assistance for the educationally disadvantaged veteran to facilitate achievement of college admission, special supplementary assistance for veterans in school to assist them in completing their courses of education, grants and contracts to educational institutions for special educational programs for veterans, and permitting the counting of deficiency and remedial courses toward total college semester hours for the purposes of determining full-time or part-time educational assistance allowance rates;

(4) Providing for a reduction in the number of semester credit hours required for payment of full-time and part-time educational assistance allowance rates; and

(5) Providing for a newly oriented and greatly expanded veterans outreach services program designed to search out recently discharged veterans, especially the educationally disadvantaged, to advise them of the benefits to which they are entitled and assist them in obtaining them.

Now I would like to describe briefly the special education and training programs which are proposed in title II.

The bill would add three major subchapters to title 38 of the United States Code.

The first new program that would be established as a new subchapter V in the chapter 34 veterans' educational assistance program would provide for special assistance for the educationally disadvanged veteran through essentially three different programs.

First, it would permit GI bill allowances to be paid to a veteran taking college preparatory courses in other than a secondary school; for example, on a college or junior college campus. This idea was originally proposed by Senator KENNEDY in S. 2361 and was carried over in S. 2668 which I introduced. The purpose is to enable such college preparatory work to be offered to a 22- or 23-year-old veteran in an atmosphere that he would find most acceptable and comfortable. Such preparatory programs could be very flexible in terms of including both instruction class hours and other supervised program work. This new subchapter would also include in GI bill coverage education at the elementary school level, which was proposed in S. 2036, introduced by Senator DOMINICK.

The second new program in this new subchapter would provide special supplementary assistance to veterans already in school under the GI bill. This assistance would take the form of direct payments to educational institutions—up to $100 per veteran per month—for the provision of special remedial, tutorial, or counseling assistance to enable the educationally disadvantaged veteran to perform satisfactorily in the course he is pursuing. Payment of this supplementary assistance would not count against the

veteran's full entitlement to regular GI bill benefits.

The third new program would provide for the authorization of appropriations for the Veterans' Administration to make grants and contracts with schools for two purposes: First, to develop programs providing the special educational and supplementary assistance which I have just described and, second, to develop and implement special programs for veterans such as public service training programs, including the training of innercity teachers, policemen, firemen, and medical technicians.

The second new subchapter would also be part of the chapter 34 veterans' educational assistance program in title 38. This would establish a predischarge education program called PREP, designed to involve the preveteran during the last 12 months of his military service in education or training to prepare him to pursue GI bill education or training after his discharge. It is estimated that as many as 430,000 enlistees discharged yearly are in dire need of additional education or training in order to compete at all successfully in the job market. Yet, as I have already indicated, these very men have been taking advantage of their GI bill benefits the very least.

The PREP program would operate as an adjunct of the present Department of Defense transition program which reaches only 60,000 separatees annually. Unfortunately, very few educational institutions have been able to participate in that program because the cost of providing instruction is not able to be borne under any Department of Defense appropriations. It is this gap that PREP would fill by requiring the Veterans' Administration to pay, on behalf of a preveteran, the costs of education or training provided by a school at or near a military base for GI bill preparation. Payments would be limited to $150 per month per preveteran, which should generally be sufficient to cover the costs of recruiting, counseling, books, instruction, and placement.

Participation in the PREP program would not be charged against a preveteran's total period of eligibility for regular GI bill benefits after discharge. The committee believes that this PREP program would draw into the regular GI bill program a substantial number of veterans who would otherwise not take advantage of those benefits—either because of lack of ability, inertia, or lack of confidence.

The third new subchapter would be added to chapter 3 of title 38. It would provide for a newly oriented and expanded veterans outreach services program in the Veterans' Administration. Under this program, the Veterans' Administration would be charged with the congressionally sanctioned obligation of seeking out and offering a wide range of assistance to recently discharged veterans, especially those who are educationally disadvantaged.

The reasons for this new approach are fully discussed in the committee report on pages 58 through 63. It seems sufficient at this point to cite a few statistics about the U.S. veterans assistance centers program, called USVAC's, which the Veterans' Administration has administered for the last year or so.

This program has successfully motivated only 6.5 percent of the 216,200 high school dropout veterans discharged during that period, the prime target for the program. It has resulted in interviews with only about 17 percent of that population and in successfully inducing less than half of those interviewed even to file an application for GI bill benefits.

Although the concept behind the outreach effort, initiated by President Johnson last year, is a good one, it needs drastic expansion and overhaul to make it more fully responsive and relevant to the needs of the Vietnam veteran, especially the educationally disadvantaged veteran. We need more centers. We need them in rural areas, perhaps through use of mobile units. We need them in neighborhoods in urban areas, not in downtown office buildings. And we need more Vietnam veterans working for the Veterans' Administration to provide these outreach services.

All of these changes would be called for under the new outreach services program. The types of benefits provided to eligible veterans and eligible war orphans and widows would specifically include:

First, providing full information about available VA and non-VA benefits, services, and training programs.

Second, conducting interviews to answer questions and planning programs of education and employment.

Third, providing job and other referrals and appropriate job placements assistance, with special stress on matching qualifications with available jobs and training programs, including, when none are available locally, those in other localities.

Fourth, providing social services, such as professional counseling, to assist them in obtaining maximum assistance from the available benefits and services.

Fifth, assisting in preparation of a claim for any such benefit or service.

Sixth, maintaining complete records and conducting periodic followup.

In addition, the program would provide for payment of reasonable interview and relocation expenses for veterans and eligible persons assisted by the outreach services when these persons could not find suitable jobs or training opportunities in their home communities. This provision was proposed by Senator JAVITS in S. 1088.

In addition to the three new subchapters proposed in title I of the reported bill, there are several other features designed to assist veterans pursuing education under the GI bill, particularly those having difficulty meeting full-time or part-time minimum requirements. Under these new provisions, the minimum number of semester credit hours required for payment of a full-time and part-time educational assistance allowance would be reduced substantially at many schools, and veterans could also have counted certain numbers of noncredit remedial courses toward these minimum requirements for purposes of payment of allowances.

Two amendments to title I were adopted in committee, one proposed by Senator MONDALE to require timely notification of war orphans regarding their entitlement to educational assistance benefits; the other proposed by Senator DOMINICK to liberalize the definition of a vocational program of education to include more than one predetermined and identified vocational objective.

Finally, title II of the reported bill also includes a number of noncontroversial, relatively minor measures included in H.R. 11959 and H.R. 6808 as passed by the other body. These include programs for a new high school study definition; for expediting first allowance checks for veterans in below-college-level courses; to liberalize commencing dates of dependents' GI bill eligibility; and to eliminate most of the remaining bars to duplication of benefits.

This recapitulation of title II should make clear the comprehensive nature of the programs proposed in the reported bill. I have reviewed the interim report of the President's Committee on the Vietnam Veteran released publicly on Tuesday. Eight of the 10 proposals in that report are already implemented fully by title II of the reported bill. Thus, I urge the Senate to pass H.R. 11959 as amended by the committee to bring about the type of GI bill participation that our veterans deserve and our Nation requires and to give post-Korean veterans the fair shake to which they are fully entitled.

I wish again to thank Senator YARBOROUGH, the chairman of the full Labor and Public Welfare Committee, the author of the rate increase proposals in title I, and the father of the post-Korean GI bill program, for his great cooperation and assistance in the subcommitee, in the full committee, and in planning for floor consideration.

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

Mr. CRANSTON. I am happy to yield.

Mr. ELLENDER. As I understand, the Government pays whatever expense there is in connection with tuition and fees; is that changed any?

Mr. CRANSTON. That is not correct. That was true following World War II. The basic point now is that we are simply not giving them enough to survive on. We are no longer paying their tuition directly and we are not giving them enough money to live on and pay for their education. Inflation is eating up their benefits very rapidly.

Mr. ELLENDER. So this bill provides not only money to sustain him, that is, his room and board, but also to pay whatever additional amount is necessary to the college he attends?

Mr. CRANSTON. That is correct.

Mr. ELLENDER. And that amounts to what?

Mr. CRANSTON. It will go up to $190 a month, which will cover about 98 percent of the present comprehensive education costs.

Mr. ELLENDER. Now, as to the tuition and fees, how does the Senator take care of that in his bill? Is it fixed, or is it arranged so that no matter what college he goes to——

Mr. CRANSTON. No, the veteran has to pay the tuition and fees out of that $190. He has to pay directly his tuition

costs, his room, his board, his clothing, and any other expense that he has.

Mr. ELLENDER. Well, that is a very small additional amount.

Mr. CRANSTON. It most certainly is.

Mr. ELLENDER. Because I happen to have a few grandsons in college now, and I know what it costs. It has tripled in the last 7 or 8 years.

I compliment the Senator for the statement he has made, and I hope to be able to be here to vote for the measure when it comes up for a vote.

Mr. CRANSTON. For the Senator's information, I should like to add that under the World War II program a veteran's full tuition, fees, book costs were paid for directly and he was given $75 a month additional for living expenses.

Mr. ELLENDER. Mr. President, I thought that was still the law in respect to other veterans. I was under that impression. Has this been changed?

Mr. CRANSTON. Yes. That was changed at the time of Korea so that we no longer did what we did for World War II veterans.

Mr. ELLENDER. If the tuition increases, the veteran may still be short of funds.

Mr. CRANSTON. The Senator is correct.

Mr. ELLENDER. Nothing is contained in the bill to arrange it so that in the event the tuition increases, the Government would put up more funds?

Mr. CRANSTON. That would not be done. We would have to come back for more money.

Mr. President, I would like to mention one other point that astounded me. This will be of special interest to the Senator from Louisiana. It involves the failure of the program to attract the veterans to take advantage of the farm cooperative program.

There is an appalling shortage of farmers today. While 785,000 veterans participated in prior farm cooperative programs which enabled them to go back to the farms, under the present program, only 411 had taken advantage of the program as of June 30, 1969. It is to improve that situation that we have included in this omnibus bill provisions, originally sponsored by Senator YARBOROUGH in S. 1998, designed to induce more veterans to go back to farming.

Mr. ELLENDER. Mr. President, I presume that the reason for that was the increased cost of land and equipment.

Mr. CRANSTON. All sorts of problems were involved. However, direct aid to veterans who wish to go back to the farms has been devoured by inflation. We are not able to get information to them to advise them of their opportunities. That will be covered in the pending bill by the new outreach services program.

Mr. ELLENDER. Has the Senator any idea of how much the bill would cost?

Mr. CRANSTON. The expenditures the first year would be $383 million.

Mr. ELLENDER. And, of course, that might increase.

Mr. CRANSTON. It would be expected to increase. If, however, we are able to achieve peace in Vietnam and do not have the onflowing very great number of veterans, the cost will not increase.

Mr. ELLENDER. We would be protected if it were to increase?

Mr. CRANSTON. The Senator is correct. The total cost of this bill amounts to only 2 percent of the cost of the war. To cut back here and fight inflation by this means and have those who have sacrificed overseas for us make further sacrifices when they come home is unconscionable.

Mr. ELLENDER. Mr. President, I thank the Senator.

Mr. CRANSTON. Mr. President, I thank the Senator from Louisiana.

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

Mr. CRANSTON. I yield.

Mr. YARBOROUGH. Mr. President, I thank my friend, the distinguished Senator from California, the chairman of the Veterans' Affairs Subcommittee for yielding to me.

He has been very diligent in his first year as chairman of the Veterans' Affairs Subcommittee in conducting the hearings on the pending bill.

As the record shows, the hearings ran until the 12th of August. The day after the hearings were concluded, Congress took a 3-week recess. I point this out because of the criticism that has been leveled at the Veterans' Affairs Subcommittee for not being diligent. I have never seen a committee act more diligently in the discharge of its duties. Those hearings ran for more than 2 months, from June to August.

There were many changes in the membership of the Senate this year, and the chairmanship of every subcommittee of the full Committee of Labor and Public Welfare has changed because of the loss of three members of the committee this past year.

Senator Lister Hill left because of the illness of his wife. Senator Wayne Morse and Senator Joe Clark were not reelected. This caused changes in the chairmanship of the subcommittees.

The Senator from California took over as the chairman of the subcommittee and worked most diligently.

As the record shows, nine different bills are combined in this measure. The Senator from California incorporated all these measures into one bill. He did this with great skill and ability. The hearings were diligent. The executive sessions were handled in a superb fashion.

As you know that if there is an objection by any Senator, the bill cannot be reported to the Senate until we have a printed record.

We proceeded promptly with these bills. The Veterans' Affairs Subcommittee, on which I have the honor to serve under the distinguished Senator from California, worked very hard on this measure. The day the printed record was received, October 9, the Committee on Labor and Public Welfare unanimously voted to report the bill to the Senate. Every member of the committee of both political parties voted to favorably report the bill.

It was a bipartisan approach. There never was any partisanship involved. The only partisanship was in favor of the veterans, not for or against any political party.

The only question was what could we do to give our veterans a fair chance in life. This is not a bonus bill. It is a bill to readjust the assistance to the veterans under the cold war GI bill and bring it in line with the Korean conflict GI bill.

After World War I, we had an unfortunate experience with the bonus for the veterans. So in the middle of World War II, because of the vast number of veterans who would be returning home, wise men worked hard to devise the World War II GI bill. It was an all-encompassing measure for veterans, the best such measure ever passed by any nation for the purpose of permitting the veterans returning from war to obtain educational assistance.

The measure covered not only college training, but also high school, technical, office, and flight training.

The pending bill attempts to do for the veterans of the cold war and the Vietnam war periods what the earlier bills did for the veterans of World War II and the Korean conflict.

As pointed out in the exchange between the senior Senator from Louisiana and the Senator from California, the pending bill does not do as much as was done for the veterans as the prior two bills did.

The measure passed after World War II not only paid a certain stipend to the veterans for their maintenance, but it also paid all of their tuition. A veteran could pick out the most expensive college in the land and the Government would pay the tuition and a stipend in addition.

After that bill, the subsequent bills have given the veterans a flat sum per month and the veterans have had to pay their tuition out of that sum.

Mr. President, as chairman of the Labor and Public Welfare Committee, I am proud to recommend to my colleagues a comprehensive package of veterans education and training bills. These eight Senate bills and one House bill which have been combined into one bill and substituted for the House bill as H.R. 11959, are specifically designed to stimulate greater participation by veterans in the education and training programs provided by the cold war GI bill off 1966.

Participation in the cold war GI education and training programs has been considerably lower than under the World War II and Korean conflict programs. Over 50 percent of the eligible veterans of World War II used their education benefits.

There were more than 15.6 million veterans in World War II. Of those, 7.8 million used the training and educaton benefits. Due to the so-called tightening up of the bill for the Korean conflict veterans, fewer have gone to school.

The administration said, "we are tightening up. We are taking the water out." What they did was to keep 8 million veterans from enjoying their benefits.

The level of participation in such programs under the Korean GI bill was 42 percent. Under the present bill, only 1,303,977 of the over 6 million eligible veterans have made use of their hard-earned and well-deserved rights. This

represents a participation level of only 20.7 percent.

One veteran out of every two in World War II went to school under the GI bill. Two out of every five after the Korean war went to school under that bill. Now, with more than 6 million veterans, only one out of five would have gone to school.

One aspect of the veterans' education and training program which has suffered the sharpest decline in participation is in farm cooperative training. Since the enactment of the present bill in 1966, only 411 veterans have taken farm cooperative training in comparison to the 785,000 veterans who participated in this type of training under the World War II and Korean conflict GI programs.

The pending bill, H.R. 11959, represents the committee's efforts to proposed legislation which will reverse this low participation trend. The bill does this by:

First, increasing GI bill education and training allowances by 46 percent over the rates provided by the present law;

Second, expanding the existing flight programs so as to permit a veteran to obtain a low-interest loan for the purpose of receiving a private pilot license;

Third, establishing a new and broader farm cooperative training program;

Fourth, establishing new education and training programs to prepare high school and elementary school dropouts and other educationally disadvantaged for higher education;

Fifth, reducing the number of semester credit hours required for receipt of full-time and part-time allowances; and

Sixth, providing for a new far-reaching veterans outreach program which would counsel veterans of their rights under the GI bill and encourage and assist them in obtaining them.

H.R. 11959 is the end product of many hours of hard and devoted work by the Subcommittee on Veterans' Affairs and particularly the chairman of that subcommittee, the Senator from California (Mr. CRANSTON). Senator CRANSTON'S subcommittee held hearings on these bills and other important veterans health-care bills—which the Senate passed unanimously on October 21—from June 24 to August 12. These hearings comprise three volumes and contain more than 630 pages of testimony.

After the completion of these hearings, the subcommittee took the action I previously described and reported these bills favorably to the full committee on October 2. On October 9, the full Labor and Public Welfare Committee unanimously reported this important comprehensive bill to the Senate with the recommendation that it receive prompt approval.

I am proud of the work by the Subcommittee on Veterans' Affairs. The members of the subcommittee, both Democrats and Republicans, recognized how vital these measures are to our country's veterans and set-aside partisan consideration. They came to constitute a quorum at each meeting so that these bills could be moved, and they acted with diligence on them. I wish to commend all the members of the Labor and Public Welfare Committee for their efforts on behalf of our veterans and especially Senator CRANSTON for his leadership in this matter. I thank and congratulate my Republican colleagues for helping to give us the quorum that enabled us to move the proposed legislation.

As I have stated, H.R. 11959, as reported by my committee, is a combination of many important bills. However, I will devote the remainder of my remarks to title I only. This title embodies two bills, S. 338 and S. 1998, which I introduced, and they are to amend the cold war GI bill, which I had sponsored from 1958 on. The bills which comprise title II, most of which I am a cosponsor of, will be discussed in detail by the distinguished chairman of the Subcommittee on Veterans' Affairs and other members of the subcommittee. They are the principal authors. Senator CRANSTON is the principal author of the second title to that composite part, while I am the author of title I.

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

Mr. YARBOROUGH. I yield to the distinguished Senator from New Mexico, who has long been a champion of veterans' rights in this body, and who has introduced a number of veterans bills in his own right.

Mr. MONTOYA. Mr. President, I thank my good friend the Senator from Texas for yielding to me.

The distinguished Senator from Texas has been a great leader in the field of education. He has been a great champion not only of those who are veterans but also of those who need educational opportunity in this country. In the short time he has served in the Senate, he has carved for himself a great niche in history as being one of the great champions of education and a great champion of the underprivileged.

Mr. President, my distinguished colleague, Senator YARBOROUGH, and distinguished colleagues from both sides of the aisle today and in the hearings conducted have applauded the long overdue increase in veterans educational benefits. We have to frankly face the fact that the most onerous and dangerous task of our youth—fighting—increasingly falls upon our most disadvantaged men. The very least we can do for those who have been refused the fewest benefits of our society as children, and then again as young men, some of its greatest burdens, is to help them readjust to civilian life by giving them the necessary basic allowances in order to acquire the education needed to compete successfully in our modern society.

Education is more than a necessity, it is a right of all Americans—and for veterans who have served honorably in the defense of our country we should go out of our way to help them acquire a higher education.

Yesterday morning I became aware of the President's opposition to the committee's recommendations to increase by $60 veterans' educational benefits. The President's position is an unfortunate position, especially in light of the fact that both Republicans and Democrats have wholeheartedly endorsed the necessity for the committee's recommended increases, which is in fact merely an adjustment to the inflationary increase in the cost of obtaining an education. Should we allow our fighting men in Vietnam to come back and bear the burden of the inflationary trend in the costs of obtaining an education and in the cost of living? I say to you all here now that it is high time that we gave full support to our fighting men in their attempts to return to civilian life and to move forward in their careers. There is no alternative. For if we deny them that necessary increase, we shall in fact fail to repay them for services rendered in defense of our country.

The pending bill has been reported by his committee and by the subcommittee headed by my good friend the Senator from California (Mr. CRANSTON). It is a good bill. It is a bill that should be passed by Congress with great expedition, because it is sorely needed.

As the Senator from Texas has stated, the number of GI's who have availed themselves of the bill as it is now are lower in number or proportion than the GI's who availed themselves of the previous GI bill of rights. I was the prime sponsor of the Vietnam veterans' GI bill, and at that time we thought that $130 would be sufficient. I agree with the committee that, although the sum of $190 provided in this bill is not sufficient, it is a more realistic figure and would enable many GI's to avail themselves of the privileges under this bill.

The bill is sorely needed, and while some may say that in this day or year of great inflation we should try to constrict governmental expenditures, I do not believe that trying to deprive our GI's of educational opportunity would be in order. I believe that inflation has hit the educational field more than any other field, because the table shown in the report clearly reflects that even the meager sum of $190 will not be adequate to enable these GI's to go to school. They will have to seek supplemental funds in order to do so.

After the Korean conflict, the GI's did not have to resort to supplemental funds. After World War II, the GI's did not have to resort to supplemental funding. The cost of education then was at a lower and more realistic level in conformity with the allowance made under the GI bill of those days.

So, Mr. President, I take this opportunity to commend my good friend, the Senator from Texas, and to commend my good friend, the Senator from California, for bringing this bill to the floor of the Senate. I am hopeful that this Congress will endorse the bill as quickly as possible, so that we can tell our veterans that this country is thinking about them, that this Congress is mindful of the need for educational opportunity as they are discharged from the service.

I thank the distinguished Senator from Texas for yielding to me.

Mr. YARBOROUGH. I thank the distinguished Senator from New Mexico.

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

Mr. YARBOROUGH. I yield.

Mr. CRANSTON. Mr. President, I should like to express my thanks to the Senator from New Mexico for the re-

marks he has just made on this vital matter; but, more than that, for the leadership he has offered and the hard work he has done in this field. This subject is of prime concern to him because of his deep concern for justice for all Americans, and the importance of doing this work relates directly to justice for the veterans of our Nation.

At this time, and while the Senator from New Mexico is on the floor, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of S. 2993, a bill introduced on October 6, which contains some concepts on which we have been working together and which are incorporated in title II of the bill we are considering.

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

Mr. CRANSTON. At this time, I should also like to express my thanks to the Senator from Texas (Mr. YARBOROUGH), the chairman of the Committee on Labor and Public Welfare, for his great leadership over many years in veterans' legislation. His landmark bill, the cold war GI bill of rights, was a monumental accomplishment. He has rendered great leadership and service in moving the present bills to this point where we can have confidence that we will achieve some truly great legislation in behalf of veterans. His cooperation in the committee work on this bill has been invaluable.

I should like also to point out that the Senator introduced S. 338 on January 16 of this year, which embodied much of title I of the bill—most importantly the increase in the educational assistance allowance rate.

The bill we are considering today was not introduced in the House until June. In order to expedite the enactment of legislation to aid veterans, the Senator from Texas sacrificed his right, which he could have claimed, to have his bill with his name passed by the Senate, and instead we are now dealing with the House bill. That is symbolic to me of the dedication of the distinguished Senator from Texas (Mr. YARBOROUGH), who is the chairman of the committee, to achieve and not to seek glory. I compliment him for that, above all else, and praise him for it, and there is much for which he deserves praise.

Mr. YARBOROUGH. Mr. President, I thank the Senator. In my 12½ years in the Senate, I have found that if we were to wait to get credit for the work we do, veterans would not be in college.

The goal of greater educational benefits for veterans has been pursued under three Presidents, and it has been a hard fight every step of the way. The Department of Defense fought it for years, and the Bureau of the Budget fought it for years. Senate after Senate passed similar bills until the opponents of the legislation were forced to accept it. We improved the bill in 1967, we improved it again in 1968, and we are adding another improvement to it today. I take my hat off to my colleagues, those who are now serving in this body and those who have served here in past sessions. This is a Senate accomplishment. This body's action is the only reason that today's veterans have a GI bill. The Senate persisted in sending bills to the House and going on the stump all over the country until people become aware of the problem.

S. 338, which I introduced in the Senate in January of 1969, is aimed at remedying the principal cause of low participation in the GI education program—unrealistically low allowance rates. In the years since the enactment of the original cold war GI bill in 1966, the cost of living in the United States has skyrocketed. This increase in the cost of living is due in large measure to the ever rising cost of the Vietnam war. In addition to overall increase in the cost of public and private education has also reached an alltime high. Unfortunately, the education and training allowances under the cold war GI bill have fallen considerably behind the rapidly increasing cost of education and cost of living, thus making it extremely difficult for veterans to continue their education and training.

A comparison of the present allowances with those paid under the Korean GI bill clearly demonstrates the problem. Under the Korean GI bill, the allowances paid to veterans accounted for about 98 percent of the average tuition, board and room costs at public and private institutions of higher learning

The table which is printed on pages 16 and 17 of the report sets out the exact figures. This is no "guesstimate." These figures are from the Office of Education. The table sets out the average cost of tuition, board, and room in public and private schools, for the public and private universities and colleges, for 4-year schools and 2-year schools. The table covers the period of 1952 to 1969 with projections into the future as far as 1977.

The present allowances cover only 67 percent of these costs. To place the cold war GI program on equal footing with the Korean GI program, it will take an increase of 46 percent in the allowance rates. This is what my bill, S. 338, is intended to do.

The House version of H.R. 11959 provides for only a 27-percent increase in the educational allowances. The House bill also applies only to veterans enrolled in college training and ignores the many veterans in vocational and apprenticeship programs. In the opinion of the committee, the House bill provides too little and is much too limited in its coverage. It is also 10 years too late. This is why the committee adopted my bill which provides for a 46-percent increase not only for veterans in college programs but also for those enrolled in apprentice and on-the-job training, vocational, and farm training.

Furthermore, my bill, S. 338, makes these allowance increases retroactive to September 1. The House version of H.R. 11959 did not contain a retroactive provision. I was glad that the committee adopted this retroactive provision as part of its bill.

There was a statement in the press from the Veterans' Administration in August that veterans would have to borrow money to get in school in September because they could not receive payments until November. They are owed that money and it is only fair that that money be paid as of September 1.

In addition to the important allowance increases, S. 338, also expands the present flight program by creating a loan program whereby a veteran my obtain a low-interest loan of up to $1,000 to pay the cost of obtaining a private pilots' license. This would provide veterans with a means of obtaining a pilot's license which would be of assistance to them in their profession. I am pleased that the committee included this portion of S. 338 in title I of H.R. 11959.

Title I of H.R. 11959, also embodies my bill, S. 1998, which would replace the present farm cooperative program, which so far has been unsuccessful in attracting participants, with a new farm program similar to the program established under the Korean GI bill. The advantages to the program provided by my bill are, first, it requires less classroom work and provides for more on-the-farm training. This is accomplished by replacing the present requirements of 12 hours of classwork a week for 44 weeks a year with a requirement of a total of 200 hours a year at an educational institution with a minimum of 8 hours per month; and, second, it eliminates the previous requirement that the veteran own or control the farm on which he takes his training.

Previously, a student had to own control or control a farm before he could take his training.

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

Mr. YARBOROUGH. I yield.

Mr. CRANSTON. I am reluctant to interrupt the Senator, but so that we may have a rollcall vote on this matter, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. YARBOROUGH. Mr. President, I believe that this new farm cooperative program will greatly encourage young men to return to farm and pursue agriculture as a vocation.

During the hearings on my bills and the other important bills which comprise title II of H.R. 11959, the Veterans' Administration repeatedly requested that the Senate take no action on these bills or any other veterans' legislation until President Nixon's Committee on the Vietnam Veteran, which was appointed on June 5, 1969, could complete its study of existing veterans' programs. In testimony before the Subcommittee on Veterans' Affairs, Mr. Donald E. Johnson, Administrator of the Veterans' Administration, advised the subcommittee that the target date for the report of the President's Committee would be October 1, with an absolute limit of October 15. As of this date, this report has still not been rendered. All that President Nixon's Committee has produced is an interim report of five or six pages which deals with only the allowance increases in my bill. This interim report charges these increases with being excessive and inflationary and suggests only a 10-per-

cent to 15-percent increase in these allowances. This interim report demonstrates, that the President's Committee either does not comprehend the reason for the 46-percent increase in allowances or is completely insensitive to the importance of GI education and training programs.

The President seems to believe that to curb inflation we must cut spending in such areas as veterans' programs. I submit that this approach does not cure the real cause of inflation—the Vietnam war—and penalizes the will of young men who were called on to risk their lives in that conflict. As much as I share the President's desire to stop inflation, I cannot accept an approach which cuts the heart out of this Nation's health, education, and veterans' programs.

Let me point out that total casualties in the Korean conflict were approximately 157,000. Total casualties in the Vietnam war to date are between 290,000 and 300,000—almost double those of the Korean war. If the present rate in casualties continues in Vietnam, the casualty will soon equal those of World War II, which was a worldwide conflict involving millions of American troops in Europe and Asia.

In conclusion, Mr. President, I want again to commend the members of my committee and Senator CRANSTON for their work on these bills. This bill, H.R. 11959, is one we can all take pride in. It is a composite of the Senate bills, given the House bill number in order to expedite matters. Its passage will clearly show the many young men whose lives and plans have been disrupted by the war, that we in Congress are sensitive to their needs and intend to make their interests our most important business.

I urge all my colleagues to give their support to this important legislation.

Mr. President, this is a modest bill which will bring veterans' benefits up only to the level of the Korean conflict GI bill. It is not excessive. We respectfully submit that the cost is only 1 percent of the cost of the war in Vietnam. It is not inflationary.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, the bill before the Senate, the Veterans Education and Training Assistance Amendments Act of 1969, was reported by the committee without opposition and represents a bipartisan effort to meet the education and training needs of the Nation's more than 27 million veterans.

The Senator from California (Mr. CRANSTON) deserves great credit for the way he handled his duties. So does the distinguished chairman, the Senator from Texas (Mr. YARBOROUGH), for his long-standing and indefatigable advocacy of GI education, employment, and other opportunities, as demonstrated by his cold war GI bill. Both cooperated with Senators of the minority in order to produce this measure.

The bill before us includes a number of features of bills introduced by majority and minority Members which seek to raise veterans' education and assistance allowances and to provide new educational programs.

It also allows GI benefits to be provided for elementary school, a much-needed reform, creates special education programs for high school dropouts, which should have an effect on the problems of soldiers drafted from the ghettos of the United States and the slums, expands and redirects the veterans' outreach services program, and seeks to assist veterans in locating jobs and paying their moving expenses when relocation is necessary.

I speak on the last program with pardonable pride, as it is based on a bill of my own. I will say more about that program later.

Mr. President, we might as well grasp the nettle immediately. It is proper that I, as the ranking Member on the minority side, and with a Republican President in the White House, should note at this point that we are up against a serious budgetary situation and bring to our attention the serious concerns on the part of the President. His heart, I think I can say with absolute assurance, is entirely in the same place as that of the Senator from California (Mr. CRANSTON), the Senator from Texas (Mr. YARBOROUGH), and mine, as well as all the other members of the committee, with respect to the veteran and the opportunities that should be extended to him, but the President faces a trying situation.

The President is bound by an expenditure ceiling which the Congress has passed and with which he thoroughly agrees. He signed the bill and believes that we must adhere to the ceiling. Hence, he is absolutely bound to find another place to cut.

If we increase expenditures in this program, then we must act with our eyes wide open, because it is only fair to the President of the United States that this be made clear. We all feel deeply that nothing is too good for the man who has laid his life on the line.

The Senator from Texas (Mr. YARBOROUGH) has said, with understandable eloquence, that this is no place to cut. The President's problem and the country's problem is undeniable.

If we pass the pending bill—and we undoubtedly will—what we add must be taken from somewhere else. We should all understand that. It may be that it will come from a program which might make many Members extremely unhappy. It might be a program we dearly prize. But the President and we must face that problem.

I believe that, considering the situation in which we find ourselves, the parliamentary situation, the unanimity of the committee in reporting the bill, and the urgency of the need, it is desirable to pass this bill.

It is a difficult situation to face and a difficult decision to make, but I believe that the best interests of the Nation, of the veterans, and even of the President himself, in terms of the dilemma which he faces, will be served by passing the bill and going to conference with the House, and then doing our utmost to reconcile the views in a creditable manner which will meet the need.

In the meantime, there will be opportunity to take an overall view of the situation and see what it really amounts to. I think it is fair to say that heavier expenditures will come farther in the future and that of all the claims which will be made on the so-called end of Vietnam dividend, we would certainly place this kind of measure for veterans at the very top of the list of priorities. I think we have a right to contemplate that, as we survey the total financial situation.

I think, in fairness to the deeply held views of the President, his letter should be read into the RECORD. I ask unanimous consent that the letter of the President, which was sent to the Senator from Texas (Mr. YARBOROUGH), as well as to me, may be made a part of my remarks.

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

THE WHITE HOUSE,
Washington, October 21, 1969.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR JACK: In line with my talk last Friday on the rising cost of living, I must tell you of my deep concern regarding certain provisions of H.R. 11959, now pending Senate consideration.

Title I of this measure, as amended by the Senate Committee on Labor and Public Welfare, would raise veteran's educational assistance allowances by an average of 46% over current rates. Such increases would be retroactive to September 1, and would mean added expenditures of more than 323 million dollars over present costs in the remainder of this fiscal year. Together with the costs of the bill's Title II provisions, total extra spending through June 30, 1970, would be nearly 393 million dollars.

The average additional outlay for each of the next four full fiscal years would be approximately 550 million dollars.

I am in sympathy with a justifiable increase in educational allowances for post-Korean and Vietnam Era veterans. Yet, I consider the magnitude of the increases contained in H.R. 11959 to require reconsideration for two reasons. The proposed rates are excessive and their effect would be inflationary.

In comparison to the actual rise in the cost of living since these allowances were last increased, just two years ago, a 46% increase at this time is unrealistic and excessive. And, if we are to stay within the expenditure limit for fiscal 1970, the cost of H.R. 11959 as now drawn could not be borne without imposing severe cuts in other also important programs.

It is not easy to criticize the pending bill for it promises some appealing benefits to a most deserving group. But our veterans have long known that they must be champions of responsible government. They know the basic truth that a veterans' program not good for the nation as a whole cannot ultimately be of benefit to veterans themselves.

This summer I appointed a Committee consisting of agency heads having responsibility for programs bearing on the welfare and readjustment of returning veterans. I have received an interim report from its Chairman, Mr. Donald E. Johnson, the Administrator of Veterans Affairs. A copy is attached, inasmuch as the Committee's main recommendation bears directly on the subject matter of this letter.

The Committee on the Vietnam Veteran addressed the issue as follows:

"Educational assistance allowances were last increased October 1, 1967. Since that date the cost of living has risen approximately ten percent. Included in that increase is an even more dramatic rise in one of its components, the cost of education. Since the last increase in educational assistance allowances, colleges have increased their charges by roughly 15 percent. This means that to-

day tuition and fees for an academic year are higher by an average of $94.

"Therefore, your Committee recommends an immediate increase in educational assistance allowance rates commensurate with the rise in education and living costs cited above."

I fully support this recommendation. For this reason and those expressed above, I seek your support in urging the Senate to recognize the inflationary impact that enactment of H.R. 11959 would have. The consequences flowing from its enactment would in the long run more than outweigh any temporary gain that may be realized. As President, I have no option but to view with extreme concern the possible enactment of this measure.

I have sent an identical letter to Senator Yarborough.

Sincerely,

RICHARD NIXON.

Mr. JAVITS. Mr. President, I also ask unanimous consent to have printed in the RECORD the interim report of the President's Committee on the Vietnam Veteran, which accompanied his letter to me.

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

[From the Office of the White House Press Secretary, Oct. 21, 1969]

LETTER TO THE PRESIDENT FROM DONALD E. JOHNSON, ADMINISTRATOR, VETERANS ADMINISTRATION

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your Committee on the Vietnam Veteran has been actively engaged in finding answers to the readjustment needs of returning veterans. We will give you a final report just as soon as all of our material has been reviewed and our final conclusions have been reached.

In the meantime, by reason of circumstances referred to therein, we deem it appropriate and desirable to transmit to you this interim report.

Respectfully yours,

DONALD E. JOHNSON,
Administrator.

PRESIDENT'S COMMITTEE ON THE VIETNAM VETERAN INTERIM REPORT

Your Committee on the Vietnam Veteran is considering suggestions solicited from the Nation's leadership in government, management, labor, and education, and all of the Veterans organizations to aid us in finding answers to the questions you posed in your message of June 5, 1969, establishing the Committee:

How can we help more veterans to benefit from existing programs?

How can we design programs to help those veterans who need help the most—the undereducated, ill-trained, hitherto unemployed or underemployed?

How can we improve the overall program of veterans benefits so that it meets the specific challenges of our society and the needs of the veterans?

Ultimate conclusions will depend, in part, upon the results of the study of disadvantaged veterans and other studies currently in progress. It is anticipated that analysis of data from these studies will form a basis for sound and meaningful answers to your questions.

Recommendations and suggestions received by the Committee, while differing in their approach to the many aspects of the veterans readjustment problem, are unanimous in one respect—the existing education assistance allowance rates are inadequate. This Committee agrees with that conclusion.

Educational assistance allowances were last increased October 1, 1967. Since that date the cost of living has risen approximately 10%. Included in that increase is an even more dramatic rise in one of its components, the cost of education. Since the last increase in educational assistance allowances, colleges have increased their charges by roughly 15%. This means that today tuition and fees for an academic year are higher by an average of $94.

Therefore, your Committee recommends an immediate increase in educational assistance allowance rates commensurate with the rise in education and living costs cited above.

Beyond this recommendation which requires legislative action, the Committee is agreed that other suggestions which can be administratively accomplished now should not be deferred until the final report.

Accordingly we recommend:

That industry be encouraged to set up computerized job banks to match the skills of returning Vietnam Veterans to available jobs in the private sector. As job banks are installed by State Employment Services in 54 major cities by this year, the Secretary of Labor should take special steps to see that these improved job finding services are made available to each returning Veteran.

That counseling services now being provided by the Veterans Administration in seven locations in Vietnam be extended to additional overseas commands throughout the world. Trained counselor teams should be readied on a standby basis for dispatch to any area needing such services.

That those who have gained valuable skills in the military service, particularly in the paramedical field, should be actively encouraged to make use of their experience when they return to the private sector. To this end the Federal Government should intensify its own recruitment efforts while working with private groups to adopt new certification procedures which will take military training into consideration.

That there should be developed on-the-job training programs in the public service field, particularly paramedical and community services. Federal, state, and local agencies should be encouraged to provide opportunities for the veteran willing to train for a career in health, youth work, social work, and other critically needed service occupations.

That there be instituted, on an experimental basis, computerized job matching of servicemen returning to a particular area. An inventory of veterans' talent would thus be established which can be utilized in both the public and private sector.

The establishment on a pilot basis of a military based training center for servicemen who volunteer to extend their service for the sole purpose of gaining a particular skill or a high school diploma.

That despite reductions in employment in certain sectors of the Federal Government because of turnover and retirements, there should be recognition that there are many job opportunities in entry level positions in the Federal Service. To ensure that Vietnam Era Veterans are aware of these opportunities, agencies of the Federal Government should intensify their recruiting activities at military separation centers, Veterans Assistance Centers and through community action agency programs.

That transition stateside military counseling services should be expanded to overseas commands.

That the Office of Education and Office of Economic Opportunity assist the educational community in developing special programs for educationally disadvantaged veterans.

That the Department of Health, Education, and Welfare and other Federal Departments work closely with education and training institutions to recruit, enroll, and give priority consideration in the allocation of assistance to returning Vietnam Veterans.

Respectfully yours,

Donald E. Johnson, Chairman, Administrator of Veterans Affairs; Melvin R. Laird, Secretary of Defense; Robert H. Finch, Secretary of Health, Education, and Welfare; Robert E. Hampton, Chairman, Civil Service Commission; George P. Shultz, Secretary of Labor; Donald Rumsfeld, Director, Office of Economic Opportunity; Winton M. Blount, Postmaster General, Post Office Department.

Mr. YARBOROUGH subsequently said: Mr. President, the distinguished Senator from New York placed in the RECORD the President's letter to me about this legislation dated October 21, 1969, and delivered to me that same day.

I answered that letter the next day, on October 22, and had the letter delivered to the White House immediately afterward. I received a letter from the President's secretary this morning acknowledging receipt.

I ask unanimous consent that my reply to the President, dated October 22, 1969, be printed in the RECORD at this point.

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

WASHINGTON, D.C.,
October 22, 1969.

HON. RICHARD NIXON,
The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your letter of October 21, 1969, concerning H.R. 11959, as amended by the Senate Labor and Public Welfare Committee, has been studied very carefully by me, as befits consideration due a communication from the Chief Executive of the Nation.

I share your concern for protecting the economy from the potentially damaging effects of runaway inflation and I agree that all of us should aid in combating this problem. However, I do not believe that we should begin by depriving our returning veterans of the just readjustment educational training under the G.I. Bill. Neither do I agree that attendance at school at the poverty level payments of the Cold War G.I. Bill would have an inflationary effect.

After World War II, 50% of the 15,600,000 veterans of that conflict, or a total of approximately 7,800,000, received educational readjustment assistance under the G.I. Bill. Under the Korean Conflict G.I. Bill, 42% participated in veterans training programs. From the data in the record before us, only about 1¼ million of the more than six million discharged eligible veterans of the Cold War-Viet Nam period, or about 20.7% have taken training under the Cold War G.I. Bill. A reason often assigned for this shocking failure of the Cold War veterans to take educational readjustment training under the present law has been the low scale of monthly payments, which are inadequate in light of the increasing costs of living and obtaining an education. These low payments make it so difficult for veterans to make ends meet that they are losing their chance in life by being denied the oppportunity that World War II and Korean conflict veterans received for readjustment training.

My bill, S. 338, which I introduced January 16, 1969, and is now incorporated into H.R. 11959 as Title I, provides for a 46% increase in educational and training allowances under the Cold War G.I. Bill. My purpose in introducing this bill and for suggesting such increases is to stimulate and broaden the

participation by Cold War veterans in this important educatioanl program. The original Cold War bill of 1966 was a compromise bill; the allowances were too low—they were lower than the Korean Conflict G.I. Bill, and far lower in purchasing power.

The allowances presently being paid to veterans cover only 67% of the cost of education whereas the allowances paid under the Korean Conflict bill covered approximately 98% of the cost of the veteran's education. If, therefore, allowances rates are to be brought in line with those paid under the Korean Conflict bill, it is necessary that they be increased by at least 46%. Such an increase would hopefully insure that 97.7% of the costs of the veteran's education would be paid, based on present costs.

Your letter raises two objectives to this bill, namely that it would be excessively costly and that it would have an inflationary effect on our economy.

First, the cost of this change in the existing veterans educational benefits is not at all inflationary, particularly when compared with the cost of the war. The War is inflationary; these veterans student allowances are miniscule in comparison.

Second, the increases which I propose are not excessive because, as I pointed out earlier, the veterans benefits now provided for are not even on a level with those provided for in earlier bills. Furthermore, the 10% increase which your Committee recommends in its October 20 interim report is based on these prior inadequate allowances.

The estimate of the additional cost of this Cold War G.I. Bill, given in the second paragraph of your letter, of $323 million dollars for the rest of this fiscal year is only slightly over 1% of the annual cost of the War in Viet Nam. Surely it is worth 1% of the cost of the War to educate these millions of returning veterans who have fought it for all of us.

I think, Mr. President, that the place to begin controlling inflation is by reducing excessive War costs, not by penalizing the men who have borne in their lives and persons the awful burden of that conflict. Several million more of these veterans should be in school or in training. The nation, in the long run, will pay a price too great if they are denied their fair chance in life.

I shall support your goal of combatting inflation, but I cannot in good conscience agree to lay this additional hardship on the backs of the men who have already served our nation with such great courage.

Sincerely yours,

RALPH W. YARBOROUGH.

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

Mr. JAVITS. I yield.

Mr. GRIFFIN. Mr. President, I should like to commend the Senator from New York on his statement, and associate myself particularly with his expression of concern on behalf of the President as to the impact of this legislation upon the budget and inflationary pressures.

I had the opportunity to go to college under the GI bill of rights following World War II. Accordingly, I am deeply conscious, in a very personal way, of the importance of this legislation and what it means to veterans of the Vietnam war.

Obviously, a 46 percent increase is a very substantial increase over the existing allowance. I call attention to the fact that in 1967, President Johnson sent a message to the Congress in connection with this program, and I should like to read it in part:

The time has also come to increase the educational assistance allowance under the GI bill. A single veteran pursuing a full-time course receives $100 a month to help him finance his education. This amount is less than the $130 a month paid to the child of a deceased or disabled veteran who may be taking the same courses at the same school.

The veteran going to school is usually older and may bear heavier responsibilities. I recommend an increase in the monthly educational assistance allowance under the GI bill from $100 monthly to $130 for a veteran.

In accord with the present scale of benefits, a married veteran with children receives $150 monthly under the GI bill, regardless of the number of children he has. To help veterans with families who wish to continue a full-time educational program, I recommend that the monthly payment be increased by $10 a month for the second child and $10 a month for each additional child.

I am sure President Johnson and the distinguished members of the Committee on Labor and Public Welfare, when they moved in 1967 to increase the allowance from $100 a month for a single veteran to $130 a month they felt then that Congress was doing the right thing on behalf of Vietnam veterans.

It should be noted that since 1967 the cost of living has increased about 10 percent. As I understand it, the average cost of college tuition and books has gone up about 15 percent in that period. Accordingly, the increase of 27 percent provided for in the House-passed bill is very generous.

Despite that fact, of course, the Senate bill would increase the allowances, not by 27 percent, but by 46 percent.

I am glad the distinguished ranking Republican member of the committee, who will serve on the conference committee, is so conscious of the President's position and of the administration's concern. I hope that he and others on the conference committee will give great weight to the reasoning set forth by the President in his letter to Senator YARBOROUGH, read into the record by the Senator from New York.

Again I commend the distinguished Senator from New York for his statement and for his keen awareness of the problems it poses for the administration.

Mr. JAVITS. Mr. President, in response to the Senator, may I point out that one of the things that has not been considered, and which I think the President must consider in due course, is that when we increased the payment to $130 a month, it was inadequate. I think our committee recognized that.

I do not think it is fair to lay at our door the allegation that we are making a sensational increase of 46 percent. I think what we have been doing is laboring under a serious deficiency, and that deficiency has resulted in the significant underutilization of the veterans education program. It must make us ashamed that we are offering a program of which less than one quarter of the veterans are taking advantage.

Hence, there is a very strong case for our attitude, and for the attitude of the other body, in terms of the very material increase we are proposing—and I admit it is very material. I recognize the President's difficult position, and I think he has a right to be correctly appraised. He faces a grave dilemma. We will probably resolve the dilemma at a higher level than he favors. Nevertheless, I think it is fair to say, in the context of the argument, that the administration faces a very serious problem in this regard.

In fairness to the President, I want to point out that he himself took personal cognizance of the situation, and said he was "shocked and surprised" at the low participation rates. He named a Cabinet-level committee to look into the matter. Indeed, with respect to what we are doing in this bill, we have taken into account the problems which caused the creation of that Cabinet level committee.

So, as the saying goes here on the Senate floor, it is a tough situation. We have done the best we could with it. So has the other body. We will do our best to reconcile our differences. There is also the possibility that the President may veto it. Other Presidents have had to veto other bills for veterans, notwithstanding their support for veterans.

I am hopeful that I may be a conferee, although I am not on the subcommittee, and that we will find a way of working out a bill that, although it may not be the optimum for us or for the President, will be adequate.

I deeply believe that the inadequacy of benefits has been contributing to the low rates of participation. I think we are on the right track to solving the problem, at least partially, by increasing benefits. I might also say, with particular compliments to the chairman of the subcommittee, that many of the things we are doing in this bill are much more gifted than the rather naked approach of just more money for education. Other Members have also contributed their thinking to the bill, which has resulted in an interesting and innovative measure.

Finally, may I say that, considering the number of men involved, and the fact that so many men not otherwise motivated have gone through military service and, we have a right to believe, have thereby attained a greater motivation, this bill will hopefully prove to be an instrument that will bring into higher educational levels many men whom we otherwise would not have reached even with added money for higher education or elementary and secondary education. I think that is an important consideration as we review this particular subject.

So, for myself, I favor the bill, and I am standing up for it here. But I think it is only fair to take account of the dilemma of the President, and to lay his view before us so the country can understand that this measure has not just been shoved aside and disrespected, but, on the contrary, has been deeply respected and considered; that we are as troubled as he is, but we feel the situation requires a very material increase of this character.

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

Mr. JAVITS. I yield.

Mr. CRANSTON. I wish to thank the Senator from New York for giving us a fine, fair, and forceful argument on this important measure. It is of particular value because he is the ranking minority member of the full committee which supported this measure. His support for the committee's position and for

the present bill, with the present figures in the bill, is symbolic of the strong bipartisan strength behind the effort to do justice to the Nation's veterans of the Vietnam era.

I think it was very appropriate that the Senator from New York placed in the RECORD the message from the President on this matter. It does reflect a contrary view that the Senate is well aware of and that the Senate has considered, but which I feel the Senate will show by its vote later today that it simply feels it cannot accept, in view of the great need, in the long run, to save money, save lives, and save resources by doing justice to veterans of the Vietnam conflict.

I also feel that the Senate position will be shown to be so strongly in favor of the current bill with the current figures that we will have a mandate in the conference to stand very strongly behind what we do here. It seems to me that to do any less for the Vietnam veterans than we have done for veterans of prior conflicts is an injustice that the country should not and will not work.

Mr. JAVITS. Mr. President, I thank the Senator very much for his intervention.

Just to continue with a word of analysis about the bill itself, the differences between the percentages of eligible veterans taking advantage of their education and training benefits now, and under the GI bills of World War II and the Korean conflict have already been noted. The figures are 50 percent participation for World War II, 42 percent for the Korean conflict, and 21 percent at the present. As I have already pointed out, the President himself said he was "shocked and surprised" at that situation.

In addition, of course, we have these absolutely unbelievable increases in the costs of an education. Anyone who is a father knows this from his own experience. It has been estimated that since the Korean war, the average cost of public and private college education has risen about 75 percent; and, over that same period, veterans' education benefits have risen only 18 percent.

GI benefits during the Korea conflict covered about 98 percent of the average tuition, room, and board costs in the early 1950's; GI benefits now cover only about two-thirds of those costs.

The need to achieve comparability is what the Senator from California meant, I think, when he said there is really no room for us, once we adopt the principle of trying to achieve comparability, to do anything less than what is provided in the Senate bill.

The point has been made repeatedly, of course, that money spent on veterans' education comes back to the Federal Treasury ultimately, indeed several times over, in the form of increased gross national product and tax revenues. I might remind the Senate, too, that this very morning the three members of the Council of Economic Advisers appeared before the Joint Economic Committee, of which I am also ranking minority member, and I asked them about the danger of a recession based on the rather strong restraints in monetary policies which we have undertaken.

All three of them emphasized the fact that the manpower programs must go hand-in-hand with anti-inflationary restraints. It seems to me, therefore, Mr. President, that this area where we have such a remarkably fine pool of manpower deserves a high proirity, even now, in terms of the skills for which we can train these men.

Finally, Mr. President, the bill includes the essential aspects of what I consider to be a rather innovative effort to provide employment and relocation assistance for veterans. These features are based on S. 1088, which I introduced last year and reintroduced again this year. Under this program, the Administrator is directed to assist veterans and eligible dependents in finding suitable employment, first in the veteran's home area and then, if an appropriate position cannot be found nearby, in other areas of the country. The Administrator is also directed to pay the reasonable moving expenses for the veteran and his family if he accepts the job.

I would like to point out that there were a number of recommendations made by the President's Committee on the Vietnam Veteran, which will tie into this new program. The program, I might add, is quite desirable and yet does not cost a great deal—$20 million a year, at the maximum.

Among the recommendations of the President's committee are that industry be encouraged to set up computerized job banks to match the skills of returning Vietnam veterans to available jobs in the private sector; that those who have gained valuable skills, particularly in the paramedical field, the so-called "medics," should be actively encouraged to make use of their experience when they return to the private sector; and that there be instituted, on an experimental basis, computerized job matching of servicemen returning to a particular area.

I should like to say an additional word about the medics. There is a tremendous personnel shortage in the health professions field. There are some 30,000 medics discharged a year. We today attract only a very small proportion of them into the health professions. One of the great opportunities in this bill, of which I strongly urge the administrators to avail themselves, is a real drive to keep as many as possible of those 30,000 in the health professions field. I know of no single source of manpower that could be more effectively employed in that respect than this particular source, and I would hope very much that special attention will be directed toward that point.

Mr. President, I think that about sums up the situation with respect to this bill. I do hope very much, because I realize the dangers which the bill faces, that we will find a way to produce a bill in which both the President and Congress can join. I shall do my utmost, consistent with my obligations and with the principles which are involved, to see if that can be carried through effectively, as we bring the bill to enactment into law.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield to me once again?

Mr. JAVITS. I yield.

Mr. GRIFFIN. The ranking minority member of the committee has read into the RECORD the President's letter to the chairman of the committee.

The President appointed a Committee on Vietnam Veterans, chaired by the Administrator of Veterans' Affairs, Donald E. Johnson, and including the Secretary of Defense, the Secretary of Health, Education, and Welfare, the Chairman of the Civil Service Commission, the Secretary of Labor, the Director of the Office of Economic Opportunity, and the Postmaster General.

That committee has made an interim report to the President concerning the legislation before us, and I wish to read that report:

PRESIDENT'S COMMITTEE ON THE VIETNAM VETERAN INTERIM REPORT

Your Committee on the Vietnam Veteran is considering suggestions solicited from the Nation's leadership in government, management, labor, and education, and all of the Veterans organizations to aid us in finding answers to the questions you posed in your message of June 5, 1969, establishing the Committee:

How can we help more veterans to benefit from existing programs?

How can we design programs to help those veterans who need help the most—the undereducated, ill-trained, hitherto unemployed or underemployed?

How can we improve the overall program of veterans benefits so that it meets the specific challenges of our society and the needs of the veterans?

Ultimate conclusions will depend, in part, upon the results of the study of disadvantaged veterans and other studies currently in progress. It is anticipated that analysis of data from these studies will form a basis for sound and meaningful answers to your questions.

Recommendations and suggestions received by the Committee, while differing in their approach to the many aspects of the veterans readjustment problem, are unanimous in one respect—the existing education assistance allowance rates are inadequate. This Committee agrees with that conclusion.

Educational assistance allowances were last increased October 1, 1967. Since that date the cost of living has risen approximately 10%. Included in that increase is an even more dramatic rise in one of its components, the cost of education. Since the last increase in educational assistance allowances, colleges have increased their charges by roughly 15%. This means that today tuition and fees for an academic year are higher by an average of $94.

Therefore, your Committee recommends an immediate increase in educational assistance allowance rates commensurate with the rise in education and living costs cited above.

Beyond this recommendation which requires legislative action, the Committee is agreed that other suggestions which can be administratively accomplished now should not be deferred until the final report.

Accordingly we recommend:

That industry be encouraged to set up computerized job banks to match the skills of returning Vietnam Veterans to available jobs in the private sector. As job banks are installed by State Employment Services in 54 major cities by this year, the Secretary of Labor should take special steps to see that these improved job finding services are made available to each returning Veteran.

That counseling services now being provided by the Veterans Administration in seven locations in Vietnam be extended to additional overseas commands throughout the world. Trained counselor teams should be readied on a standby basis for dispatch to any area needing such services.

That those who have gained valuable skills in the military service, particularly in the paramedical field, should be actively encouraged to make use of their experience when they return to the private sector. To this end the Federal Government should intensify its own recruitment efforts while working with private groups to adopt new certification procedures which will take military training into consideration.

That there should be developed on-the-job training programs in the public service field, particularly paramedical and community services. Federal, state, and local agencies should be encouraged to provide opportunities for the veteran willing to train for a career in health, youth work, social work, and other critically needed service occupations.

That there be instituted, on an experimental basis, computerized job matching of servicemen returning to a particular area. An inventory of veterans' talent would thus be established which can be utilized in both the public and private sector.

The establishment on a pilot basis of a military based training center for servicemen who volunteer to extend their service for the sole purpose of gaining a particular skill or a high school diploma.

That despite reductions in employment in certain sectors of the Federal Government because of turnover and retirements, there should be recognition that there are many job opportunities in entry level positions in the Federal Service. To ensure that Vietnam Era Veterans are aware of these opportunities, agencies of the Federal Government should intensify their recruiting activities at military separation centers, Veterans Assistance Centers and through community action agency programs.

That transition stateside military counseling services should be expanded to overseas commands.

That the Office of Education and Office of Economic Opportunity assist the educational community in developing special programs for educationally disadvantaged veterans.

That the Department of Health, Education, and Welfare and other Federal Departments work closely with education and training institutions to recruit, enroll, and give priority consideration in the allocation of assistance to returning Vietnam Veterans.

Respectfully yours,

Donald E. Johnson, Chairman, Administrator of Veterans Affairs; Melvin R. Laird, Secretary of Defense; Robert H. Finch, Secretary of Health, Education, and Welfare; Robert E. Hampton, Chairman, Civil Service Commission; George P. Shultz, Secretary of Labor; Donald Rumsfeld, Director, Office of Economic Opportunity; Winton M. Blount, Postmaster General, Post Office Department.

Mr. YARBOROUGH. Mr. President, on this matter of the President's Commission to which the distinguished Senator from Michigan referred, I point out that that Commission kept begging the committee to do nothing until it finished its report. At the same time, the Commission was begging us to wait until it could finish its report, some agency—and it seems to me that it was the VA—apparently fed the Army Times a story attacking me and my committee. They said that I was stalling the passage of this bill. They said that the Senator from California (Mr. CRANSTON) was stalling the passage of the bill.

They made this attack on October 1, 1969.

The bill was moving as fast as it could move. They were feeding this attack to the paper and at the same time they were testifying that we should take no action until the President's Commission finished its report. They had promised that it would be ready by the first of October. However, they had not completed it. They did not have it by the 15th of October. They gave us the interim report which suggested a mere 10- to 15-percent increase in education and training allowances; it did not deal with the rest of the bill. They did that on the 20th of October.

The pending bill has been ordered reported to the Senate. We have already read into the RECORD, the record of the diligent hearings held by the able Senator from California and the prompt action taken by the Veterans' Affairs Subcommittee and the full committee.

Mr. President, to show the action of the VA, which I think is largely responsible—probably under prodding by the Bureau of the Budget—for keeping the veterans out of school, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "GI Bill Delay," published in the Army Times on October 1, 1969. It is a personal attack on the Senator from California (Mr. (CRANSTON) and me. I do this to show the falsity of this editorial.

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

GI BILL DELAY

Sen. Ralph Yarborough (D., Tex.) chairman of the Senate Labor and Public Welfare Committee which has jurisdiction over GI Bill legislation, seems to be placing the blame at the wrong door for delay in advancing that program.

And while he's doing so, the more than 635,000 GI Bill beneficiaries who had planned on a raise in educational allowances this fall aren't likely to get one now until next semester—thanks to foot-dragging by the Senate committee.

The fault can be found closer to the old homestead.

Some of the blame for delay in raising GI Bill allowances rests with Sen. Alan Cranston (D., Calif.), chairman of the Labor Committee's subcommittee on veterans affairs.

His group began hearings on the legislation on June 24. Here we are, going into October and the subcommittee still hasn't come up with a rate increase proposal to present to the full committee.

The best guess is that if and when the smaller body does act its recommendations won't receive full committee consideration until some time after mid-October.

In addition to its own recommendations, the subcommittee has before it legislation already approved by the House which would raise GI Bill allowances by 27 percent. Under the House-approved legislation, allowances for single veterans would go from $130 to $165 monthly; for married veterans from $155 to $197 monthly, and for men with two dependents from $175 to $222.

Now it's up to the Senate Labor Committee and to Senators Cranston and Yarborough to get something started—and real soon—on their side of the national legislature.

Senator Yarborough also ought to put aside some of his politically-motivated and unsoundly-based charges against the Veterans Administration and the Department of Defense. In numerous speeches recently, he has accused these two government agencies of "deliberately" holding down GI Bill enrollment, charging that they want to "spend money on a war in Southeast Asia worse than they want to educate our young people."

We feel that GI Bill enrollments aren't as woefully low as Senator Yarborough would like people to believe. The VA expects a 22 percent gain in GI Bill enrollment this fall over last year, a record for the three-year-old program. This would bring enrollment up to 635,000 compared to 520,524 last fall and 380,037 in 1967.

It is true that enrollment figures among the disadvantaged veteran aren't what they should be. Only one out of 10 veterans without high school diplomas have taken advantage of GI Bill educational opportunities. The VA through its "outreach" program is making a bigger effort to get more of these veterans into school.

But unless Congress approves an increase in allowances, and soon, all of these efforts will be to small avail. Now is the time for action on a GI Bill rate increase.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that my letter to the editor of Army Times, dated October 22, 1969, be printed in full in the RECORD. It is an answer to the editorial in the Army Times of October 1, which attacks my committee for alleged, but wrongly alleged, inaction.

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

OCTOBER 22, 1969.

Mr. TONY MARCH,
Editor, Army Times,
Washington, D.C.

DEAR EDITOR: On October 1, 1969, you published an editorial which accuses me and my committee of delaying the passage of legislation to raise G.I. educational and training allowances. Nothing could be farther from the truth.

On January 16, 1969, I introduced a bill, S. 338, which would increase the educational and training allowances provided by the Cold War G.I. Bill by 46 percent. Because of the rise in the cost of education and the cost of living, it is necessary that these allowances be increased by 46 percent to make them comparable to the allowances provided by the Korean Conflict G.I. Bill. Furthermore, my bill would also increase the allowances for apprentice and on-the-job training, vocational rehabilitation and farm training. I believe that a 46 percent increase is imperative if veterans are to be encouraged to use their hard earned and well deserved G.I. educational benefits. My bill is also retroactive to September 1. Thus, all veterans presently enrolled in educational and training programs would receive the full benefit of these increases for this semester as well as next semester.

The Subcomittee on Veterans Affairs held public hearings on my bill, as well as many other important veterans bills, from June 24 to August 12. During these hearings, three days, June 24, 25 and 26, were devoted to my bill, S. 338, and eleven witnesses, including every major veterans organization in the United States, expressly endorsed my bill. The only opposition to my bill came from the Nixon Administration which insisted that the Subcommittee take no action on my bill or any other veterans measure until the Veterans Administration could complete a study of veterans programs. The Veterans Administration first stated that this study would be completed on October 1. Later, this date was changed to October 15. As of this date, the long waited and often promised study by the Nixon Administration has still not been completed. Shortly, after the completion of these hearings, both Houses of Congress went into recess from August 13 until

September 3, which precluded any further action on these bills at that time.

The transcript of these two months of hearings was published on October 9. The transcript is in three volumes and contains more than 630 pages of testimony. The importance of the transcript of hearings on a bill cannot be overemphasized. It is one of the prime sources from which the legislative history and intent behind a bill can be determined. A bill cannot be presented to the Senate unless the transcript has been published.

Despite the objections of the Veterans Administration, the Subcommittee on Veterans Affairs, under the chairmanship of Senator Alan Cranston, took action and unanimously reported out favorably my bill, together with seven other major veterans bills. On October 9, the day that the transcript of the hearings was published, the Labor and Public Welfare Committee, under my chairmanship, reported S. 338 and these other important veterans bills to the Senate without one dissenting vote. On October 21, 1969, the Committee's report was filed with the Senate and I expect final passage of all these bills soon.

The House bill was not passed until August 4, and referred to the Senate on August 5. This House bill provided for only 27 percent increase in educational allowances for veterans in college programs. It did not provide anything for the many veterans enrolled in vocational and farm training programs. In my opinion, the House bill provides too little and is too limited in its coverage.

I am proud of the hard work of the members of my Committee and especially the great efforts of Senator Cranston and the members of the Veterans Affairs Subcommittee. These Senators, both Democrats and Republicans, put aside partisan considerations and moved with diligence to produce a group of bills that would be meaningful to all veterans.

In my twelve and one-half years in the Senate, I have worked hard for meaningful veterans legislation. Therefore, I wish to assure your many readers that no one is more anxious for the passage of S. 338 and the other veterans bills reported by my Committee than I.

Sincerely,

RALPH W. YARBOROUGH.

Mr. YARBOROUGH. Mr. President, I also ask unanimous consent that Senator MONDALE'S answer, of October 16, 1969, to the Army Times' attack on the Senate committee's "inaction," be printed in the RECORD.

I also ask unanimous consent that Senator CRANSTON'S letter to the Army Times concerning the October 1 editorial be printed in the RECORD.

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

GI BILL ACTION IN SENATE

Mr. MONDALE. Mr. President, on October 8, the gentleman from Pennsylvania, Congressman SAYLOR, placed in the RECORD an editorial from the Army Times charging the Senate Labor and Public Welfare Committee, and specifically its Subcommittee on Veterans' Affairs, with "foot-dragging" on the proposed GI bill rate increases.

I feel that such a charge is very unfair in light of the most commendable and diligent record of the Veterans' Affairs Subcommittee under the chairmanship of the Senator from California, Senator ALAN CRANSTON. As a member of that subcommittee, I speak from firsthand experience in pointing out the great amount of veterans legislation considered and favorably acted upon during this session by the subcommittee and the full Labor and Public Welfare Committee, on the basis of 6 days of hearings.

At the full committee level, the Senator from Texas, Senator RALPH W. YARBOROUGH, chairman of the Labor and Public Welfare Committee, a member of the Veterans' Affairs Subcommittee, and its former chairman of 7 years, has most expeditiously moved this legislation to the floor with the vigorous leadership he has always displayed on veterans education and training measures.

I think that the unfortunate Army Times editorial is fully rebutted by an October 15, 1969, article in the Army Times entitled, "Senate Unit Ups GI Bill" and a letter to the editor from Senator CRANSTON published in the October 22 edition of the Army Times entitled, "Cranston Group Drags No Feet."

[From the Army Times, Oct. 22, 1969]

CRANSTON GROUP DRAGS NO FEET

DEAR EDITOR: In your Oct. 1 edition, you published an editorial stating that the Senate Labor and Public Welfare Committee, and its Veterans Affairs Subcommittee, of which I am chairman, had been guilty of "foot-dragging" on important veterans education and training legislation.

I think the record of the subcommittee and the full committee amply rebuts that charge.

The subcommittee has conducted six days of hearings in eight months, equal to the combined number of hearing days by the subcommittee during both sessions of the last Congress. These hearings have been published in three volumes containing more than 630 printed pages of testimony from 54 witnesses, again substantially more than the last two sessions combined.

On the day your editorial appeared, the subcommittee had already been scheduled to meet the next day, Oct. 2, on these bills in executive session, which it did.

On Oct. 9, based on the subcommittee's unanimous recommendation, the Labor and Public Welfare Committee unanimously ordered reported to the Senate eight veterans bills—two consolidated education and training bills and six hospital and medical care bills.

The Senate action represents the most comprehensive approach to the G.I. bill since it was originally enacted. First, it calls for a far larger and more realistic increase in G.I. bill education rates—46 percent—than the House bill—27 percent. Moreover, it proposes a new comprehensive education and training program, with an estimated first-year cost of almost 150 million dollars.

This comprehensive package of provisions from eight other bills would seek to encourage and assist veterans to make the maximum use of their G.I. bill benefits under the following circumstances.

For those still in service, the bill would authorize direct payment to schools to encourage their participation in a predischarge education program (PREP) conducted on or near military bases for servicemen shortly before discharge.

The bill would extend G.I. bill allowances to veterans in elementary as well as high school level courses.

It would also extend allowances to veterans in college preparatory courses on college and junior college campuses including courses for correcting academic deficiencies before entering college.

It would supplement educational coverage under the regular G.I. bill, regardless of the educational level, through direct payment to schools providing veterans with remedial tutorial, counselling or other special supplementary assistance to improve educational performance.

The bill would authorize grants to schools to establish special educational programs for veterans, including public service-oriented programs such as for the training of policemen, firemen, medical technicians, and inner-city teachers.

It would permit reduction of minimum college semester-hour requirements for full-time and part-time G.I. bill eligibility.

It would offer veterans the option of counting non-credit hour courses toward their eligibility for full-time allowances.

The bill would greatly expand and provide new orientation for the outreach services program to search out Vietnam veterans and counsel them regarding their benefits and assist them in obtaining them. Included would be payment of reasonable interview and relocation expenses when a veteran so assisted must move to enter a job or training program.

The bill contains some house-passed provisions as follows: (a) to eliminate most of the bars to so-called duplication of education and training benefits; (b) to liberalize measurement of high school courses; (c) to tighten up the prerequisites for pursuing G.I bill flight training; (d) to permit more rapid payment of the initial G.I. bill allowance to veterans in non-college courses; (e) to make more flexible the measures of widows' and war orphans' eligibility for G.I. bill benefits; (f) and to permit V.A. approval of interstate transportation apprenticeship programs.

I hope this serves to set the record straight and I trust you will publish this letter.

Senator ALAN CRANSTON,
Chairman, Subcommittee on Veterans Affairs.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the article from the Army Times of October 15, 1969, by Larry Carney, under the title "Senate Unit Ups GI Bill," be printed in the RECORD.

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

[From the Army Times, Oct. 15, 1969]

SENATE UNIT UPS GI BILL

(By Larry Carney)

WASHINGTON.—A Senate subcommittee has approved legislation to raise GI Bill education and training allowances by 46 percent and make the increased payments retroactive to September.

The measure—approved by the veterans affairs subcommittee of the Senate Labor and Public Welfare Committee—is much more liberal than a similar proposal passed by the House early this summer. The House measure would raise GI Bill allowances an average of only 27 percent. Effective upon enactment.

Full committee action is expected some time around mid-October. Cost for the entire package is estimated at more than $500 million the first year.

Subcommittee chairman Sen. Alan Cranston (D., Calif.) said the GI Bill hike increase measure was among 19 veterans education and medical bills approved by his group last week.

Three of the bills are designed to encourage more veterans without high school diplomas to get their diplomas under the GI Bill.

To accomplish this, the subcommittee proposes establishment of a new pre-discharge education program for active duty personnel in their last 12 months of service. The subcommittee hopes to tie the program in with Defense Department's Project Transition which trains servicemen approaching separation for civilian skills.

Under the subcommittee bill, the government would pay up to $150 monthly directly to the school towards education and training costs of servicemen enrolled in duty-hour or off-duty study.

Aid would be limited to servicemen with at least 12 months' service. Those who take advantage of benefits would not have it counted against GI Bill entitlement.

The education program would be in addition to GI Bill benefits already available to servicemen with two or more years' active duty but the legislation would preclude servicemen from taking advantage of both programs at the same time.

Full Senate Labor Committee chairman Sen. Ralph Yarborough (D., Tex.) promises speedy action on the veterans package, hoping to get it to the Senate floor "by the end of October or early November."

The subcommittee bill would raise monthly GI Bill allowances from $130 to $190 for single veterans; from $155 to $218 for married veterans, and from $175 to $240 monthly for veterans with two dependents. Veterans with more than two dependents would get $15 additional in allowances per child. They now receive $10 additional per child.

Under the House-passed bill, monthly allowances for single veterans would go to $165 monthly; to $197 monthly for veterans with one dependent; and to $222 monthly for veterans with two dependents. It would provide $13 additional monthly per child to veterans with more than two dependents.

Other bills approved by the subcommittee would:

Pay special grants to colleges and universities which establish special training projects and tutorial services for disadvantaged veterans.

Provide a 46 percent increase in allowances for orphans and widows taking training under the VA-administered dependents assistance program. Allowances for service-connected disabled veterans taking instruction under the veterans vocational rehabilitation program would be raised to similar levels. Vocational rehabilitation training is generally limited to veterans with disabilities rated 30 percent or more.

Broaden on-the-farm instruction for veterans under the GI Bill.

Permit veterans to borrow up to $1000 for flight training lessons.

Give unlimited community nursing home care to veterans hospitalized because of a service-connected disability.

Provide hospital and outpatient care to veterans totally and permanently disabled for their non-service-connected ailments.

Entitle veterans drawing non-service-connected disability pensions admittance to VA hospitals without having to take a pauper's oath of inability to pay. A comparable House bill would drop the pauper's oath requirement only for veterans 72 years of age or older. The Senate bill would drop the age limitation and bring an additional 67,000 veterans under its provisions.

Pay for drugs and medical care for permanently housebound veterans, regardless of whether their disability is service-connected.

Increase per diem rates the VA pays state nursing homes for hospital care from the present $3.50 to $7.

Mr. YARBOROUGH. Mr. President, furthermore, a public relations agency in Texas, with the cooperation of a House colleague of the opposite party, made an attack on me and put this editorial in the RECORD on the 8th of October.

That shows the double game that is being played here. This article was put in the RECORD by Representative SAYLOR.

I point out that had Representative SAYLOR been a member of the Committee on Labor and Public Welfare and known how diligently we worked under the able chairmanship of the distinguished Senator from California on this bill, he would not have put this erroneous editorial in the RECORD.

Mr. President, this clearly shows the double nature of their operation.

I called the Bureau of the Budget and asked, "Why are you trying to keep these veterans from getting an education?"

They said, "The Defense Department does not want it."

I said, "I feel it is the duty of the Defense Department to give these men an education."

They fought this measure on a number of occasions. They told the county service officers that the GI bill applied only to those men who served in Vietnam.

I think the monetary trouble with the bill is the fault of the VA. When I asked them about it, they said the allowances were too low and that is why the men were not going to school.

They fought to keep the allowances low.

This has been going on for the 11 years since I first introduced a GI bill in 1958.

The Defense Department and the Bureau of the Budget came over and testified against all of the bills. There would have been no veterans education bill if we had listened to the Defense Department, the Bureau of the Budget, and the Veterans' Administration. They fought all of the bills.

That is why we have provided for only a 46-percent increase. We got too little money each time. We got what we could in the conferences.

I hope that when the conferees are appointed, there will be no surrender to the House. We have gone long enough in keeping 4.75 million veterans out of school.

The funds will be denied again. We must not reduce this modest increase in the allowances that will bring the veterans back in line with the payments made to the Korean GI's. It does no more. It gives them no bonus.

I hope that when the bill is passed and goes to conference with the House, the Senate will stand firm.

We accepted limited bills in the past because the House was going along with the VA and the Budget Bureau and the Defense Department. The Defense Department would call the terms, and the VA and the Bureau of the Budget went along with them.

Mr. President, I ask unanimous consent that there be printed in the RECORD a letter to the editor of the News, Weslaco, Tex., under date of October 9, 1969.

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

UNIVERSITY OF TEXAS VIETNAM VETS,
Austin, Tex., October 10, 1969.

EDITOR, NEWS,
Weslaco, Tex.

DEAR SIR: I am a Vietnam veteran trying to make ends meet under the GI Bill. Allowances under the current law are woefully inadequate as both the cost of living and education have skyrocketed since the rates were set several years ago.

Senator Ralph Yarborough, who claims to be the veterans friend, has been sitting on a House passed bill since August 5th to raise the rates by about 27%. He has publicly complained about the lack of participation of Vietnam veterans in the GI education program—and yet when he has a chance to do something about the biggest stumbling block standing in the way of greater participation, he does nothing.

Why doesn't Senator Yarborough get his Committee together and act? He has already killed chances for our getting a raise during the first semester and hasn't shown much interest in getting help for us during the next.

I'm enclosing a recent editorial from Army Times which explains the problem in detail. I hope all Texas GI's will write Senator Yarborough and tell him to get with it! His inaction is disgusting.

Sincerely,

———— ————.

Mr. YARBOROUGH. Mr. President, this is an effort by a public relations firm in Texas, acting in coordination with others, to attack me. They had this mailed to every one of the more than 600 newspapers in Texas.

They got several hundred of these letters signed by veterans to make an attack on the committee for not moving ahead with the measure.

We asked them why they signed the letter. They said that they went to a Naval Reserve meeting and someone told them to sign the letters and turn them in.

The letters were then mailed all over Texas. I point out the devious game that is being played with respect to this matter.

Such a letter has been printed in the Austin Statesman and in many of the other newspapers all over the State of Texas.

While they have been telling us to wait until the President's Commission completes its report, they have also been making these attacks in the newspapers in my State. They have been claiming that RALPH YARBOROUGH, the chairman of the Labor and Public Welfare Committee, and the Senator from California (Mr. CRANSTON) should get started with their work on this bill. They charged us with deliberately delaying this matter.

This material was placed in the RECORD by Representative SAYLOR and distributed to every newspaper in my State. I have had this material printed in the RECORD as proof of the falsity of the accusations.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, the pending bill, as is the case with many other worthy projects, concerns the question of how much we can afford to do.

The letter from the President which was printed in the RECORD earlier by the senior Senator from New York points out that the bill passed by the House provides for an increase in benefits of 23 percent and that the bill now pending in the Senate would provide for an average increase of 46 percent. This represents an increase in expenditures of nearly $400 million above budget estimates.

If we consider the merits of this one bill alone we could argue better for these increased expenditures; however, we must consider this bill and all other bills on the manner they affect the overall budget. We are already operating this Government at a deficit of around a half billion dollars per month. The cost of living is at an alltime high, and in-

flation is a real threat. Taxes are as high as the American people can afford to pay, and those who are proposing these ever-expanding expenditures should begin explaining to their constituents just how they plan to pay for them.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation of the bills that have been acted on by either one House or the other up to this point. The tabulation includes the pending bill. The tabulation shows how the amounts have been increased substantially over the budget estimates.

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

PENDING POTENTIAL CONGRESSIONAL INCREASES TO 1970 BUDGET OUTLAYS

[Amounts in millions]

Description	Increase over request	
	Authority	Outlays
Appropriation bills:		
Agriculture and related agencies, as passed by Senate (July 7, 1969), excluding administration's amended increase of $270 for food stamps	$405	$313
House bill (May 27, 1969)	(−161)	(+173)
Labor-HEW, as passed by House (July 31, 1969)—Increase mainly for education	1,078	+539
Public works and AEC, as passed by House (Oct. 8, 1969)—Increase mainly water pollution grants	301	16
Other legislation:		
H.R. 13000—raises Federal civilian and military pay effective Oct. 1, 1969, for post office and Jan. 1, 1970 for remainder; full year cost in 1971 about $4,300,000,000. Passed by House Oct. 14, 1969; 1970 cost will be	1,550	1,550
Social security benefits—Proposal to make effective January 1970 instead of March 1970 as recommended	(1)	465
Proposal to raise benefits by 15 percent (instead of 10 percent as recommended) and make effective January 1970; in addition to amount immediately above	(1)	580
H.R. 11959—GI bill for veterans education assistance, as passed by House Aug. 4, 1969	400	400
S. 2547—Food stamp amendments, as passed by Senate Sept. 24, 1969	640	600
Other legislation—Continued		
H.R. 11651—School lunch amendments for child nutrition, as passed by House July 21, 1969	(1)	$100
H.R. 13194 and S. 2721—Increases authorization for national defense education loans, work-study grants, and educational opportunity grants. Passed by Senate Sept. 16, 1969; passed by House Sept. 15, 1969; in conference	$333	239
H.R. 514 and S. 2218—Expands impacted area education aid for public housing children. Passed by House Apr. 23, 1969; Senate has held hearings	230	115
Potential nonenactment of recommendations to reduce spending:		
Postal rate increase (H.R. 10877)—Original proposal for July 1 effective date would save $591; it is still possible to make a Jan. 1 effective date and save about	300	300
Farmers Home Administration—Proposal to permit certain operating loans and to provide that certain insured loans to public bodies could be sold as taxable instruments; this could save	(1)	292
Veterans' Administration (H.R. 11703)—Proposal to permit sale of direct loans at more than a 2-percentage point discount could cut outlays by	(1)	128
Total, all items above	5,237	5,637

[1] Means not applicable. The specific budget authority for fiscal 1970 is not necessarily related to the specific 1970 outlay effect.

Note: The above listing covers only major increases that are still pending in the Congress. The estimates were prepared by Bureau of the Budget examiners, sometimes in consultation with agency staffers, and are not precisely the same as those carried in the "1970 Budget scorekeeping report" of the Joint Committee on Reduction of Federal Expenditures.

Mr. WILLIAMS of Delaware. If these bills are approved in the form in which they are being reported by the committee, it would require $5,637 million of extra expenditures in the fiscal year 1970.

I repeat, we are already operating the Government at a deficit of between $5 and $6 billion a year. If this Congress returns to the position of operating the Government at a level beyond our income by $1 billion a month we shall never get inflation under control. We have to start somewhere, and the place to start is right here.

I think that what we should do is to stand by the House proposal, which provides for a 23-percent increase.

Mr. President, I send to the desk an amendment which would substitute the House bill for title I. It does not deal with the other titles of the bill, but it would restore the House provisions of title I which would increase these benefits, even then, to about 26 percent over the amount in the present law. I think we would have a much better chance of getting this bill in its final form approved by the President if we approved this amendment. After all, a bill passed by the Senate which ultimately may not become law is not really as much to the veterans as a bill with lesser benefits which could become the law. Certainly, a 26-percent increase is not too unreasonable.

I ask that the clerk state the amendment.

The PRESIDING OFFICER (Mr. SPONG in the chair). The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. WILLIAMS of Delaware. 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 was on page 6, strike out line 22 and all that follows through and including line 9 on page 14, and insert in lieu thereof the following:

That section 1504(b) of chapter 31 of title 38, United States Code, is amended to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full-time	$127	$173	$201
Three-quarters time	92	127	150
Half time	63	86	98
Institutional on-farm, apprentice or other on-job training: Full time	109	144	173

Where any full-time trainee has more than two dependents and is not eligible to receive additional compensation as provided by section 315 or section 355 (whichever is applicable) of this title, the subsistence allowance prescribed in column IV of the foregoing table shall be increased by an additional $6 per month for each dependent in excess of two."

SEC. 2. Chapter 34 of title 38, United States Code, is amended as follows:

(a) by deleting in the last sentence of section 1677(b) "$130" and inserting in lieu thereof "165";

(b) the table contained in paragraph (1) of section 1682(a) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full time	$165	$197	$222	$13
Three-quarter time	121	147	170	9
Half time	78	96	109	7
Cooperative	133	159	184	9.";

(c) by deleting in section 1682(b) "$130" and inserting in lieu thereof "$165";

(d) by deleting in section 1682(c)(2) "$130" and inserting in lieu thereof "$165";

(e) the table contained in section 1682(d)(2) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in Column IV, plus the following for each dependent in excess of two:
Full time	$133	$159	$184	$9
Three-quarter time	96	116	134	6
Half-time	64	77	90	4.";

and

(f) the table contained in section 1683(b) is amended to read as follows:

"Periods of training	No dependents	One dependent	Two or more dependents
First 6 months	$102	$114	$127
Second 6 months	76	89	102
Third 6 months	51	64	76
Fourth and any succeeding 6 month periods	25	38	51."

SEC. 3. Section 1684(a) of title 38, United States Code, is amended as follows:

(a) by deleting in paragraph (2) immediately after the semicolon the word "and";

(b) by deleting the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

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

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

SEC. 4. Chapter 35 of title 38, United States Code is amended as follows:

(a) by amending section 1732(a) to read as follows:

"(a) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (1) $165 per month if pursued on a full-time basis, (2) $121 per month if pursued on a three-quarters time basis, and (3) $76 per month if pursued on a half-time basis."

(b) by deleting in section 1732(b) "$105" and inserting in lieu thereof "$133"; and

(c) by amending section 1742(a) to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $165 per month. If the charges for tuition and fees applicable to any such course are more than $50 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed $50 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $5.30 that the special training allowance paid exceeds the basic monthly allowance."

SEC. 5. The amendments made by this Act shall take effect on the first day of September, 1969.

Mr. WILLIAMS of Delaware. Mr. President, I state for the information of the Senate and as I have pointed out to the Senator from California, that the amendment does embrace the House language of the bill in title I and that that is all it does change.

Mr. CRANSTON. Mr. President, I oppose the amendment. These figures were considered in the committee. They were rejected unanimously by all members of the committee, of both parties, on the ground that the increases of 2 years ago were totally inadequate, and did not bring payments at that time to the level that veterans of prior wars had received. The payments are even more inequitable now, as inflation has devoured the dollars and increased the cost of education.

The only just and proper thing to do is to hold to the Senate language, which will insure that veterans of the Vietnam conflict are given the same educational opportunities, the same assistance in adjusting to civilian life, that veterans of other wars have received; no less the abominable and deploring figures showing how few veterans are able to take advantage of GI educational benefits now, because allowance rates are so wholly inadequate, indicate what we must do. We must hold to the Senate language.

Mr. WILLIAMS of Delaware. Mr. President, the House bill does recognize that as a result of inflation some increase is necessary, and it does increase the benefits by approximately 26 percent. What I object to is the Senate's effort to increase further these benefits by 46 percent. This is nearly $400 million over budget estimates.

My only point is that if these increases continue along this line we will have a staggering deficit. Earlier I placed in the RECORD a tabulation showing some of these proposed increases in other pending bills. Do we want to launch again on a road of heavy deficit spending? If so we shall in effect not be giving these veterans any increase, because inflation will soon take it away from them.

We saw the statistics this morning which indicate that the cost of living last month rose .5 percent, and that is an average of 6 percent a year.

The reason why the present benefits are inadequate is that the erosion of inflation has destroyed the purchasing power of the dollar. I realize, and I agree with the Senator from California, that a good argument can be made for almost any increase on a program for our veterans. A good argument can be made for any one of these bills taken alone. But in my opinion we must consider these increases as a cumulative total. Congress has asked the President of the United States to hold expenditures for this fiscal year to $192.9 billion, and the President has sent a letter to Congress in which he promised that he will do just that. If this bill increasing expenditures between $375 and $400 million beyond that which is provided for in that budget is passed the President will have no choice but to expend the money, and that will automatically raise the expenditure ceiling. The President cannot hold that ceiling if Congress itself is going to continue these increases.

I ask unanimous consent that the letter which the President sent to Congress a couple of months ago, in which he promised to hold this ceiling, be printed at this point in the RECORD.

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

THE WHITE HOUSE,
Washington, July 16, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am aware of the concern over extension of the surtax and repeal of the investment credit unless expenditure controls are made clearly effective. Possibly some of this concern arises from the flexibility of the expenditure control provision of H.R. 11400 just passed by the Congress.

In this legislation the limit on expenditures for fiscal year 1970 would appear to be $191.9 billion—one billion below the $192.9 billion projected in my revised budget. However, the actual language (1) authorizes me to exceed this ceiling by two billion dollars for increases in specified items of uncontrollable spending, thereby raising the ceiling potentially to $193.9 billion; and (2) enables Congress to raise expenditures by any amount for any program, thereby permitting automatic Congressional increases in the ceiling.

There is an obvious advantage in having a precise ceiling—one which clearly specifies the maximum allowable expenditures. I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.

I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.

For the Executive Branch this means that if uncontrollable spending, such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to impose offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

I believe this firm expenditure control, prompt extension of the surtax and the excises, and repeal of the investment tax credit will give us the tools our country needs to brake and stop inflation. It is my understanding that the Ways and Means Committee and the Finance Committee will follow this action with prompt consideration of a major tax revision package which will include many of the reform proposals I recommended to Congress last April.

Working together, I am confident that the Congress and the Administration can establish sound priorities and keep within a $192.9 billion expenditure total for 1970. I assure you that I intend to see that this is done.

Sincerely,

RICHARD NIXON.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. Is the application of the provisions the Senator is discussing in this bill limited only to veterans of Vietnam? Does it extend to other veterans?

Mr. WILLIAMS of Delaware. It is limited to title I of the bill alone—just title I. It does not deal with the other titles of this bill. It is not limited to just veterans of the Vietnam war.

Mr. COTTON. But is that title limited to veterans of Vietnam only?

Mr. CRANSTON. No. It applies to all post-Korean conflict veterans.

Mr. COTTON. It is the same meaning. That is practically synonymous, is it not?

Mr. CRANSTON. Veterans who served for any period after January 31, 1955, would be covered. So it applies to people who served prior to Vietnam, but may be called "Vietnam," because this is the war at the particular time.

Mr. COTTON. Even those veterans who did not serve during any hostilities?

Mr. WILLIAMS of Delaware. Yes.

Mr. COTTON. It applies to them?

Mr. CRANSTON. That is correct.

Mr. WILLIAMS of Delaware. Yes.

Mr. President, I will not debate this matter further. I am ready to vote. But as the Senators vote I urge them to remember that they have gone on record earlier this year as requesting the President to hold total expenditures for fiscal 1969 not to exceed $192.9 billion. Personally, I meant it, and that is why I am supporting the pending amendment. Unless the cost of this bill is reduced here in the Senate or in the conference, the President will have little choice but to veto the measure.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, I ask unanimous consent that I be permitted to proceed for 5 minutes out of order.

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

ADMINISTRATION POLICY ON VIETNAM

Mr. McGOVERN. Mr. President, yesterday I spoke briefly on the Senate floor with respect to the issue of Vietnam, with special reference to statements that had been made by the Vice President of the United States. After I left the floor, several of our colleagues, in commenting on my remarks, made statements to which I would like to refer now.

I recognize the differences that have existed from the very beginning on this issue within the Senate, and we all have our various reasons for the stands we take. But I was astounded to read these words in the remarks of the Senator from Arizona (Mr. FANNIN). He said:

> Where was the Senator's righteous indignation—

Meaning my righteous indignation—

> during the Kennedy years and the Johnson years?
>
> We have a right to have an answer to that question. It is indeed strange to watch how strongly indignation waxes when the President is a member of the other party.

Then the Senator from California (Mr. MURPHY), in commenting in a similar vein on my remarks of yesterday, said:

> Certainly, if the Senator from South Dakota feels that the entire intervention in Vietnam was a mistake, I think that he has waited an extremely long time to express himself.

I must say, Mr. President, that this is a very discouraging thing to read. It is really very hard on the ego of a Senator who has been speaking out on this issue for 5 or 6 years to discover that two of the illustrious Members of this body were not aware that I had said anything about it until yesterday.

I have never felt that the Vietnam issue was a partisan matter. The debate on this issue began years ago in the Senate, when we did have a President from my party in the White House. I think my remarks have been not only numerous but also rather blunt on this issue for a long time.

For example, during the Kennedy years, on September 24, 1963, I called for our disengagement from Vietnam then and the removal of our forces; and I warned that if we proceeded further down that road, we would be attaching ourselves to a government in South Vietnam that did not have the support and the respect of the people of that country, and that it was a self-defeating road for us to follow.

During the Presidency of former President Johnson, I took the floor time after time to make remarks that were just as blunt and just as candid as anything I said yesterday, warning at one time some 3 years ago that our continued involvement in this war represented the most tragic military, moral, and political blunder in our national history.

Mr. President, I repeat all those things—which, personally, I am almost getting a little tired of hearing—to make sure that the Senator from California (Mr. MURPHY), the Senator from Arizona (Mr. FANNIN), and others who spoke yesterday understand that my criticism today is neither new or partisan. This has been a long-time concern of mine.

I do not criticize Mr. AGNEW or the President of the United States because they are Republicans. I take issue with them because I believe that, like their predecessors, they are following a mistaken course.

I have one or two other points on the comments that were raised yesterday by the Senators to whom I have referred. The Senator from Wyoming (Mr. HANSEN), in commenting on my suggestion for disengagement, referred to the American prisoners of war in Vietnam. He said: "What about those prisoners?"

He asked whether we are going to walk out and leave them.

In the resolution I have offered for the consideration of the Senate is a provision that the disengagement would not take place until we had secured the release of American prisoners. The Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), and others are cosponsors of that resolution; and we have made provision that American forces are not to be withdrawn until the release of American prisoners has been carried out.

We have also made provision in that resolution for the Vietnamese who would feel threatened by our disengagement, to give them time to take advantage of the opportunity to go to friendly countries which would be willing to open their borders to them for that purpose.

We have tried to be sure that maximum arrangements are made for the security of our forces during disengagement.

This is not a surrender, as it has been characterized by some critics. We are leaving behind 1 million South Vietnamese forces which we have equipped and trained. They outnumber the enemy in the field by a ratio of 5 to 1. That is not exactly a surrender. It would be a trained and equipped army of 1 million men in South Vietnam, where we have spent billions of dollars and tens of thousands of American lives. For us to say at long last the time has come for the people of South Vietnam to resolve this struggle with their own effort and dedication, to me is not a surrender.

I wish to make one other point. In today's Washington Post there appears an erroneous statement attributed to me which I wish to correct while I have the floor. The article was written by Mr. Peter Osnos, who is a Washington Post staff writer. In the article it is stated:

> In refusing to take a firm stand on the November events, McGovern reportedly asked a group of Moratorium leaders on Tuesday: "Can I really be seen on the same platform with David Dellinger?"

This is not too important, other than for me to say there is not a grain of truth in that statement. I never mentioned Mr. Dellinger's name. I did not know he had anything to do with the November events. I am not going to make my judgment on criteria of that kind. I was opposed to our policy in Vietnam long before the moratorium and long before the mobilization of November. If someone with whom I disagree comes out against smallpox that is not going to be reason for me to dislike smallpox.

I am going to continue to oppose the policy and make my judgment not on the basis of who agrees or disagrees with me, but on the basis of what is in the national interest.

I did tell the moratorium leaders I thought they should be cautious and prudent about the sponsorship and the manner in which they conduct the November moratorium. They did a thought ful, constructive, nonviolent job in October. If they continue in that vein I have the feeling that increasing numbers of people will be standing with them as we move along.

I think in all fairness to the President we should give him an opportunity to enunciate any change in policy he has in mind for November 3, and perhaps after that date all of us will be in a better position to make a judgment on where we go from that date on.

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

Mr. McGOVERN. I yield.

Mr. DOLE. I wish to ask the Senator a question. The Senator does feel there are certain conditions which must be met before we walk away from South Vietnam. Is that right?

Mr. McGOVERN. Absolutely, and I have incorporated them in the disengagement resolution which is pending.

Mr. DOLE. Based on that, if Hanoi

and the National Liberation Front would not agree with those conditions, the Senator would agree we could not walk away?

Mr. McGOVERN. Yes, I would have to alter my position. I do not agree we have to have 500,000 troops there, but I do not agree we can walk out on prisoners that are still held there.

Mr. DOLE. And the other side has made it clear that they will release prisoners only when we take everybody out of South Vietnam.

Mr. McGOVERN. They said they are willing to discuss that issue when it becomes clear we are disengaging. I think those are matters that can be discussed. That is the kind of issue we should be trying to discuss with them in Paris now, and I hope we are.

Mr. DOLE. I agree that we are all opposed to war everywhere and particularly now in Vietnam. But I happen to believe that President Nixon is embarked on a strategy for peace and that he is making progress.

The Senator says his criticism is not new. Maybe it should be new; maybe it should be changed, as we have a new policy in Vietnam.

Mr. McGOVERN. I hope the Senator is correct. I joined the majortiy leader yesterday in expressing the hope that we might be embarked on a ceasefire. I hope we move in that direction.

I want to give the President credit for whatever troops have been withdrawn and for whatever lessening of violence he has brought about. I do not want to take away from the steps he has taken.

I want to say to the Senator it is my judgment that those steps were taken in part because of the steady concern that has been expressed by some of us who have been speaking out over the last few years. I think that served to help President Nixon take the steps he has taken.

Mr. DOLE. I wish to say to the Senator I am not certain of that, but it is good to hear the Senator from South Dakota give the President credit, since he has been a strong critic of President Nixon, and who criticized President Kennedy and President Johnson. It should be encouraging to know that the Senator from South Dakota thinks President Nixon is going in the right direction, though perhaps not as quickly as the Senator would like.

Mr. McGOVERN. That is the question.

Mr. DOLE. I think President Nixon is. Maybe he is not, according to the Senator from South Dakota; but he is, according to me.

Mr. McGOVERN. That is where we disagree.

Mr. DOLE. But we have to recognize that the enemy is not South Vietnam or this Government, but the National Liberation Front and the North Vietnamese Government. Perhaps we give the wrong impression by harping about what we are doing and what the South Vietnamese are doing, and not about what the enemy is doing.

Mr. McGOVERN. The reason the debate develops in that form is that we do not have much influence in Hanoi or with the Vietcong, but presumably we have some influence over the policy in Saigon and in our Government. I think it is proper that the major force of our criticism is directed at our policymakers and the government in Saigon. Presumably that is where we can be effective.

Mr. DOLE. In addition, we do not have the facts with respect to what is happening in North Vietnam or with the Vietcong. We expose our cards; they do not. It is easy to criticize what we do or do not do, but we do not know what they are doing on the other side and do not criticize as we should.

Mr. McGOVERN. I have criticized the North Vietnamese Government in the past, and today on their prisoner policy. They will not tell our Government or the relatives of prisoners if those who are held are alive, dead, or wounded. That is in violation of the Geneva Convention. I deplore it and it is a barbaric practice. I think it is a self-defeating exercise on their part and it hurts them in world public opinion. I have objected to it on the floor of the Senate before and I shall continue to do so. I do not paint them as saints in this bitter and tragic war, but I am trying to direct my criticism where I think it is relevant and that is toward the policymakers of our Government and our illustrious ally in Saigon.

Mr. DOLE. I note the Senator emphasizes the term "illustrious." Nonetheless, there is a change for the better in the war.

The Senator pointed out yesterday that he had experience in World War II and I recognize this.

Mr. McGOVERN. One has to keep saying that or people say he is not patriotic. It is a little self-serving but it seems to have become more and more necessary to show that one is a patriot in order to speak his convictions on matters of public policy.

Mr. DOLE. I have been here only long enough to assume we are all patriots in the Senate. We all have the same ultimate goal and that is disengagement in Vietnam as quickly as we can with honor.

I hope the Senator agrees after November 3 that President Nixon is getting us out of this war.

Mr. McGOVERN. I hope that will be the case and I shall applaud the President if he moves in that direction.

VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware (putting the question).

The amendment was rejected.

Mr. CURTIS. Mr. President, I want to say to the distinguished Senator from Delaware (Mr. WILLIAMS) that I supported his amendment. I thought it was the best for all concerned. Probably the 20-some-odd million veterans in America are the largest group of taxpayers we have. There is no bloc larger than our veterans and their families. They have more stake in the welfare and perpetuation of this Government. They have more stake in the prevention and retarding of inflation.

I would have liked very much to have voted for the larger bill, but I believe that the President, having made a recommendation for a certain amount for veterans' benefit increases, and the House having added to that about $400 million, we should not go beyond the House figure. The committee bill was substantially more than that.

I voted for the House version because I am for the veteran. I feel that that is the best way to serve him and his family.

Mr. WILLIAMS of Delaware. I thank the Senator from Nebraska for his remarks, and I agree with him completely.

VIETNAM—THE RESULTS OF PRESIDENT JOHNSON'S BOMBING HALT 18 MONTHS AGO

Mr. BYRD of Virginia. Mr. President, it was little more than 18 months ago that the then President, Lyndon B. Johnson, restricted and subsequently eliminated all bombing of North Vietnam. President Johnson did this with the expectation that it would bring about productive peace talks in Paris.

Now, what has happened during that 18-month period?

The Paris peace talks have produced zero results.

There is no evidence that we are any closer to a negotiated settlement of the Vietnam war today than we were 18 months ago.

What has been the result on the battlefront of President Johnson's decision to restrict and then eliminate all bombing of North Vietnam?

The result on the battlefront has been this: During that 18-month period—April 1, 1968 through October 18, 1969—the United States has suffered 147,571 battle casualties, dead and wounded.

This figure of 147,571 U.S. battle casualties represents 50.1 percent of all the casualties we have suffered in this long Vietnam war.

Yes, during the past 18 months—since the bombing of North Vietnam was restricted and then halted—half of all our casualties have occurred. Through last Saturday, our Vietnam casualties totaled 294,578.

This week's casualty count is 78 dead and 684 wounded. This is the third week of relatively low casualty figures. But there is no evidence that this means a permanent reduction in the level of fighting.

From the beginning, Mr. President, I have felt, and have stated many times on the floor of the Senate, that it was a grave error of judgment to become involved in a ground war in Asia. But then we compounded that error by the way the war was conducted.

The record shows that regardless of the concessions made by the United States, the enemy has given nothing in return and has continued to demand that North Vietnam and the Vietcong be awarded a total political victory.

Mr. President, I submit that the American people should not be lulled into a false sense of security by fruitless peace talks and an occasional low casualty week.

The end of the war is not in sight and the casualties continue. There should be no sense of security so long as American lives are being lost.

Mr. President, I am convinced that President Nixon is sincerely attempting to bring this war to an honorable conclusion.

While I do not see an early ending to it, I do believe that we can best reach the earliest conclusion of the war by supporting our Commander in Chief in this hour of crisis.

THE NEED TO UPGRADE THE NATION'S MARITIME FORCES

Mr. THURMOND. Mr. President, as a member of the Armed Services Committee, I have been alerted to the importance of our merchant marine fleet for some time, and unfortunately the past history and present condition of America's maritime strength is a sorry record.

A simple examination of the facts clearly shows the low point to which we have allowed our merchant marine fleet to sink, and it is therefore quite reassuring to me that President Nixon has submitted to the Congress today some proposals to correct this situation.

It is felt they will provide dynamic and far-reaching programs to return American-flag vessels to the prominence they once enjoyed on the high seas.

The Nixon maritime program will certainly receive my close attention and study. Many of us here in the Senate recognize the need for progressive action in this area as our national security is deeply involved.

In recent years, the Defense Department has failed to give our merchant marine the type of support it has deserved. The Defense Department has a real stake in our commercial shipping program, but its failure to act more affirmatively has resulted in continued slippage of our merchant fleet and low morale among those who are engaged in its activities.

A similar situation has existed in the Department of Commerce, where the Maritime Administration is located, mainly because of an unfortunate administrative organization which places the maritime functions outside the mainstream of activity. The establishment of the Maritime Administration as an independent agency should be given careful consideration.

Mr. President, the guilt for our failures in the merchant marine field are not limited to these two Departments by any means—they lie here in the Congress, at the White House, and elsewhere.

The important thing is for this complacency to be dispelled through the efforts of all concerned working together to hammer out a plan and a program to correct this deficiency. Perhaps we need some of President Nixon's "bring us together" philosophy applied to this problem.

One of my main reasons for concern in this area is the aspect of national security. My fellow South Carolinian, the Honorable MENDEL RIVERS, chairman of the House Armed Services Committee, shares this concern. The interim report of Mr. RIVERS' Sea Power Subcommittee should be studied by all of us here in the Congress.

To understand this situation, we must first address ourselves to the current status of our maritime forces. A few well chosen facts amply make the point. They are:

First. The United States is carrying only about 5 percent of its total foreign commerce in American-flag ships while Russian ships are carrying 50 percent.

Second. The American merchant marine has declined from 1,900 ships in 1950 to 1,100 ships in 1968.

Third. During the same 1950 to 1968 period, the Soviet fleet increased from 1.9 million tons to 1,400 ships of 10.4 million tons.

Fourth. Eighty percent of the U.S. merchant fleet is over 20 years old and ranks sixth in world status.

Fifth. Modern air travel has made great strides but 98 percent of our trade continues to move by ship and 99 percent of the beans, bullets, and other supplies going to Vietnam travel by sea.

Sixth. The United States relies on foreign-flag ships to carry 95 percent of some 66 strategic and critical commodities imported here.

Seventh. A study has shown that had our merchant fleet remained as strong as prior to World War II, we could have counted a positive balance of payments of $5 billion instead of a deficit of $23 billion.

Eighth. While U.S. merchant presence declines, Soviet ships are visiting nearly 900 ports in about 100 countries annually. The first Soviet ship to sail through the Golden Gate in 21 years visited the port of San Francisco in early September.

Mr. President, privately owned U.S. merchant vessels now number less than 1,000. Twenty-five of these are passenger cargo ships, around 650 are freighters and about 275 are tankers. Of these, about a third are subsidized. About 15 new ships a year are being built. While the Government does have some ships in reserve, less than 200 of them are in condition to make their activation economically feasible. Most of them are barely worth scrapping.

Another important factor in our maritime picture is that our aging fleet is not configured to compete in today's trading environment. Most of our fleet consists of general cargo vessels while today's merchant ships carrying 80 percent of the world's cargo are bulk carriers such as tankers and grain and ore carriers.

Mr. President, the importance of restoring our merchant marine fleet relates directly to two key areas, defense and economic.

We must never forget some seven-tenths of the earth's surface is covered by water. When Britain ruled the oceans, and most of the world, it was through the power of her merchant fleet as much as anything else. They could turn off or increase imports and thus use this economic factor in a political sense.

Many believe the showdown with communism will come on the economic front. We are so dependent on foreign merchant ships today that our Nation's economy and defense could be greatly weakened through the force of economic sanctions by an unfriendly nation or group of nations.

The Soviets are very much aware of these facts. They are not adding to their merchant fleets for economic reasons alone, they have an eye on the military and political reasons as well. However, it has been only in the past two decades that the Soviets have recognized the inseparability of the various functions of a strong merchant fleet.

With the Soviets moving so rapidly in this field, what is to stop them from taking the trade routes away from the ships of other countries? Remember, these are the same countries we are depending upon to import 87 percent of the bauxite we use, 100 percent of the chromite, 88 percent of the cobalt, 33 percent of the iron ore, 54 percent of the primary lead, 99 percent of the manganese ore, 94 percent of the mica sheet, 90 percent of the nickel, 100 percent of the natural rubber, 48 percent of the sugar, 99 percent of the tin, and so on.

Russia is now handling 50 percent of its foreign commerce versus our 5 percent. Japan has prescribed that their merchant marine carry 60 percent of her exports and 70 percent of her imports.

But it is the scope and the momentum of the Russian program which gives us all cause to give this problem more attention. In the long term, the Soviets might well gain a position which would enable them to dictate shipping rates in shipping conferences and radically restructure them in the interests of Soviet objectives.

Mr. President, this issue of declining maritime strength for the United States is not a new one. Its solution is complex, many elements are involved, and many forces within the industry are pulling at one another. Added to this you have the Government subsidy problem, cheap foreign shipyards, and not the least by any means is lack of understanding by the American public.

Some means must be found to inform the American people of this problem. I dare say today more is known about the yachts of Aristotle Onassis than our merchant marine fleet. But for the most part, the American people are landbound in their thinking. The Navy League and other groups are trying to overcome this problem, but more must be done. Young men in my State often turn down opportunities to obtain a free education at the Merchant Marine Academy because they do not understand the importance of the seas nor see any great future in this area.

Mr. President, we Americans are basking in the pride of our moon landing. It was a magnificent achievement, but one which the Russians launched when they sent Sputnik whirling around mother earth. Our children are going to better schools, better because the Soviets challenged us in producing minds which could direct our course in the complex times ahead. Maybe the Russians will do us another service when the American people wake up to the fact they are driving fast in an effort to control the seas—with merchant ships, and submarines. If we can get this message to the American people, they will respond.

The future situation is even more foreboding when you take into account a recent survey which shows Russians are building six times more new ships than this Nation.

Had the maritime concept been understood in America, our people might have understood and accepted the need to block Haiphong Harbor to the Communist ships which carry the arms used to kill our soldiers in South Vietnam.

Make no mistake, Mr. President, America's future depends upon a presence on the seas. We must orient a part of our national strategy toward the seas. The security and prosperity of America depends to an increasing degree on the military, economic, and political exploitation of the oceans of the world. We can take an important step in that direction by moving to restore America as a maritime power.

VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CRANSTON. Mr. President, I ask for the third reading.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

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

The bill (H.R. 11959) was read the third time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. CRANSTON. Mr. President, before we proceed, I want to point out that the action of the Senate, in rejecting the amendment which was before us, which was to adopt the House version in place of title I of the bill, made very plain the rejection of the House position and the Senate's will to give to veterans of this era the same educational benefits that were made available to veterans of other times and other wars.

Mr. HARRIS. Mr. President, I strongly support the Senate increase over what the administration had asked for the post-Korea veterans' education and other benefits, because I believe that we ought to help these young men who have fought in Vietnam in every way we can in getting re-established and getting a better life for themselves.

Experience has shown that investments like this in the past in veterans' education, training and other programs has brought into the Treasury much more than they ever cost because of the greatly increased earnings they produced on the part of the veterans served.

Young men who have fought and are fighting in Vietnam are entitled to our gratitude, our support and the very best we can do to assist them in getting better education and training and improving their earning capabilities. Therefore, I hope the Senate will pass the bill as amended and reported by the committee.

Mr. DOMINICK. Mr. President, the veterans education bill we are debating today is an omnibus bill, combining proposals of several Senators.

I am delighted that two of my bills have been included. The first opens new curriculums to veterans in business, trade, and technical schools. The second makes GI bill benefits available to the 129,000 recently discharged veterans who have less than an eighth grade education.

In view of the controversy surrounding the cost of the omnibus bill, I would point out for the record that the Veterans' Administration estimates the cost of both of my proposals will be "nominal."

CURRICULUMS IN BUSINESS, TRADE, AND TECHNICAL SCHOOLS

Under existing law there is a rather unusual restriction which might be called the "dual objective syndrome." It is outmoded, at least 17 years out of date. It is discriminatory in that it does not apply to educational institutions which grant degrees, but strikes at our business, trade, and technical schools. It has lost all relevance to modern education. It has achieved unintended results.

In a nutshell, the dual objective prohibition means that a student with a "vocational objective" must study for a single identifiable objective. This is to be distinguished from the student with an "educational objective"—a degree—who is permitted to have a major and minor field of study concurrently, or even a diversified major.

The text of my amendment to remedy this appears in title II, section 201(a) of the omnibus bill. Our committee report sets out the background of the dual objective prohibition, some examples of the practical impact, and our intent in correcting the situation. I ask unanimous consent that this portion of the report, pages 26 to 29, be printed at this point in my remarks.

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

LIBERALIZED VOCATIONAL OBJECTIVE DEFINITION

Section 201. Subsection (*a*) contains an amendment offered by Senator Dominick to amend 38 U.S.C. 1652(b) more nearly to equate the eligibility of curricula offered by business, trade, or technical schools with those offered by educational institutions empowered to confer degrees.

Whether a curriculum of any type of educational institution may be approved, under existing law, for purposes of the veterans' educational assistance programs depends first upon whether it meets the following definition of "program of education" in 38 U.S.C. 1652(b):

"The term 'program of education' means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective."

Under Veterans' Administration regulations, an "educational, professional, or vocational objective" is defined as follows:

"An educational objective is one that leads to the awarding of a diploma, degree, or certificate which reflects educational attainment. . . . A professional or vocational objective is one that leads to an occupation. It may include educational objectives essential to prepare for the chosen occupation. When a program consists of a series of courses not leading to an educational objective, such courses must be directed toward attainment of a designated professional or vocational objective."

The definition of "program of education" was included for the first time in the Korean conflict GI bill in order to preclude certain abuses which had taken place under the World War II program. Some veterans allegedly had been moving from one course to another without making a genuine effort to prepare for an educational, vocational, or professional objective which would enable them to earn a living. Thus, a definition of "program of education" was added, and provision was made that a veteran could make not more than one change of program. According to the House report (H. Rept. No. 82–1943), these changes were "intended to bar the taking of courses for the obvious purpose of receiving an educational allowance and of continually changing from one program to another without any relation to benefit to be derived by the veteran."

The definition of "program of education" has not been altered in 17 years, but substantial changes have taken place in the field of education and curriculum design so that there presently exists what the committee believes to be an unintended result.

Students who identify an "educational objective"—a degree—and attend accredited academic institutions may pursue major and minor subjects of concentration, or even a diversified major. In contrast, the student with a "vocational objective" is limited to a single identifiable objective.

The most prevalent example of a vocational curriculum which is not permitted under existing law—on the theory that it has more than one objective—is one which contains courses in accounting as well as data processing or computer programing. The Veterans' Administration has ruled, in reviewing vocational curricula, that secretarial training, accounting, and data processing are separate and distinct areas, and such courses may not be mixed, intermingled, or pursued concurrently. Another example of a curriculum which has been held to be "dual objective" is electronics with the addition of instructions in drafting for preparation of schematic diagrams. These are illustrative of the problems that section 201(a) is intended to correct.

The practical impact of the present distinction is amply demonstrated in a letter to the committee from Mr. R. A. Fulton, exec-

utive director and general counsel of the United Business Schools Association. Mr. Fulton states:

"In contrast with the great leeway and flexibility permitted the GI student in a baccalaureate program the GI student in a post-secondary vocationally oriented business school is, in our opinion, unnecessarily constrained by a rigidly narrow interpretation of what constitutes a "vocational objective." In many situations this is a particularly specific job title narrowly categorized by the Dictionary of Occupational Titles published by the U.S. Department of Labor.

"We feel that the Dominick amendment will permit to the veteran's benefit a more generic treatment in his attainment of a predetermined vocational objective. In this time of "sequential careers" we feel that vocational education can ill afford to remain entrapped by a philosophy of dead-end training for limited objectives. In all other Federal programs of vocational education (i.e., vocational rehabilitation, MDTA, etc.) the thrust is to broaden the training objective to permit total job comprehension and potential for career development.

"This of course has been the long-time approach at the college level whereby a veteran can identify his attainment of a predetermined "educational" objective as merely a "bachelor's or master's degree." He can change his major three times without loss of GI benefits. Within the college of business administration, he may change his major from personnel to marketing to accounting or study subjects in all three concurrently.

"In contrast, the veteran in a business school is often prohibited from selecting a "program of education" which includes courses in accounting along with data processing. Despite the connexity of these courses or units as constituting a reasonable "program of education" for the world of work the prohibition is presently justified as being a "dual objective." This is in the face of a crying need for qualified business data processors who must, by the nature of their work, have a knowledge of accounting (the very language of business) and data processing (the necessary quantitator and repository of business information).

"This objection or prohibition of "dual objective" is not found in any of the host of other Federal programs which might be assisting the student seated in a desk next to the veteran. These programs would range from dependent survivors of social security, civil service, railroad retirement, FECA to MDTA, and vocational rehabilitation."

The amendment in section 201(a) would remove the restriction confining a vocational curriculum to a single objective by providing that a program of education may include more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field. This will permit some diversification and breadth of training in skills which complement each other. The requirement that multiple objectives be within a single career field, coupled with the authority of the Veterans' Administration to issue regulations, should provide adequate safeguards against abuse. At the same time, the new language overcomes an unjustified inequity between the treatment of veterans attending vocational schools and those attending academic institutions under the present GI bill.

In the implementation of this section, it is the intention of the committee that the Veterans' Administration exercise greater flexibility in curriculum review. A curriculum should not be disapproved solely because it could reasonably be divided into two or more separate curricula or objectives. In determining whether all the objectives pursued are generally recognized as being reasonably related to a single career field, the presence or absence of a specific objective or career field in the Dictionary of Occupational Titles (published by the Department of Labor) should not be controlling. Rather such presence or absence in the DOT should be considered on an equal level with information from curriculum guides and materials recommended by the U.S. Office of Education and information obtained by the Administrator after consultation with State and Federal educational agencies, the appropriate nationally recognized accrediting agencies, and other qualified bodies.

Mr. DOMINICK. Mr. President, as Senators will note, the so-called dual objective which has arisen most often is in the case of curricula offered by these schools which contain a mixture of accounting and computer programing or data processing. Present law has been interpreted to preclude these combinations on the theory that they are separate and distinct areas, and such courses may not be mixed, intermingled, or pursued concurrently.

Mr. Bernard Ehrlich, legal counsel for the National Association of Trade and Technical Schools, advised me that member schools of NATTS have run into the dual objective barrier with curricula which couple electronics courses with some instruction in drafting—particularly schematic diagrams.

Ten schools in Colorado have been plagued with the restriction. Mr. Robert Perry, the Colorado supervisor for proprietary schools and veterans' education of our State board for community colleges and occupational education reviewed the difficulties we have had in this area. I ask unanimous consent that this letter be printed at this point in my remarks.

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

THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION,
Denver, Colo., October 10, 1969.

Attention: Mr. Richard J. Spelts, legislative assistant to Senator Dominick.

Hon. PETER H. DOMINICK,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR DOMINICK: I have today received with the staff of the Colorado Veterans Approving Agency the matter of restrictions of multiple objective curriculums which presently exists in the Veterans Administration regulations.

We have agreed that the amendment which Senator Dominick is proposing to Section 1652 B "Program of Education" would be a desirable change in the regulations and we desire to go on record as supporting this amendment. Of course, you are aware of the difficulties that we in Colorado have had with respect to this problem with Parks School of Business which is located in Denver. A number of schools in Colorado have either been denied veterans' approval by the State Approving Agency or the Veterans Administration has denied approval due to the multiple objective restriction. We have had problems regarding this matter with the following schools: Parks School of Business, Denver; Southwest Data Institute, Durango; Denver Technical College, Denver; Engineering Drafting School, Denver; Seible School of Drafting, Denver; Midwest Business College, Pueblo and Colorado Spring; Airlines Training School, Denver; Colorado Electronic Training Center, Colorado Springs; Western Technical College, Denver; Barnes School of Commerce, Denver.

We feel that this amendment would be most helpful in relieving the problem of restrictions on multiple objective curriculums.

Sincerely yours,

ROBERT L. PERRY,
Supervisor, Proprietary Schools and Veterans Education.

Mr. DOMINICK. For the purpose of developing the legislative history as to our intent today, I think it would be helpful if I listed a few examples of other multiple-objective problems which Mr. Perry has forwarded to me. In these cases, the school seeking approval of a curriculum was turned down either by the Veterans' Administration or the State approving agency.

ELECTRONICS

There have been courses offered in Colorado where the first quarter of study was devoted to becoming a radio repairman, the second quarter an industrial repairman, and the third quarter an electronic technician. Obviously, this was a progressive program with qualification depending upon how long the student remained in school.

Drafting: The first quarter of study concentrated on basic drafting techniques. The second quarter was utilized to develop a specialty such as mechanical or architectural drafting. The third quarter focused on technical drafting and illustrations.

There are other examples, Mr. President, but I believe these demonstrate the general tenor of the problem which my proposal is intended to correct.

The dual objective syndrome has been a real barrier to schools around the country. The director of education at Parks School of Business in Denver, Mr. Max Wakefield, wrote to me as follows:

I think we could go to most any state and find the same type of situation. I could refer you more specifically to New York, Michigan, California, and Washington that I personally know of.

The importance of that statement is underscored by the support and very able assistance I have received for this provision from the United Business Schools Association which has 484 member schools in 48 States—and the National Association of Trade and Technical Schools—which has 190 member schools in 35 States.

I believe the vocational-trained veteran should have an opportunity which is equal to that of the academically trained veteran to utilize his training for advancement in a career which is truly responsive to the needs of the modern business and technical world. That is what my amendment is all about. It is, therefore, my intent that the term "single career field" be construed in the broad, rather than the narrow, sense in order that we might achieve that goal.

ELEMENTARY LEVEL EDUCATION

In the efforts to provide educational assistance to servicemen who want to complete high school and go to college, a sizable group of men was dropped at the wayside in the 1966 GI bill. I am referring to the 129,000 veterans separated from service during the post-Korean period who have not finished 8th grade.

Some 20,000 of them left the military service within the last 3 years.

Under existing law, these men do not qualify for GI education benefits.

This, in itself, is shocking. But even more so is the fact that the Korean GI bill specifically included benefits for elementary education.

In short, the Korean veteran is eligible; the Vietnam veteran is not.

I am very pleased that the committee has approved S. 2036, my bill restoring the authority which the Veterans' Administration had before 1966 to help these men. It appears in title II, section 201(b), and to some extent has also been interwoven with section 202, containing special assistance for the educationally disadvantaged and the new predischarge education program. My elementary education proposal is, however, separable from these new programs. I want to emphasize that I believe my proposal can stand on its own merits in conference with the House.

Not without significance is the fact that the Veterans' Administration estimates the cost of the elementary program will be negligible.

Colorado veterans, and I am confident veterans in other areas of the country, have applied for educational assistance below the secondary level and have been rejected.

When he was before our subcommittee, Dr. James Allen, Jr., U.S. Commissioner of Education, testified:

> Not all military personnel have completed the eighth grade; those that have not are not eligible to receive elementary level training under current law.
>
> It seems totally reasonable to me that they should receive federal assistance to complete their elementary education, as Korean War veterans did. . . . This proposal, which would be of little cost to the Federal Government, could be of significant importance to extremely educationally disadvantaged veterans.

Other witnesses who testified in support of this measure were representatives of the American Legion, AMVETS, Disabled American Veterans, National Urban League, and the VFW. There was no adverse testimony.

Mr. President, I urge the Senate to approve both the curriculum and elementary education portions of the omnibus bill, and I am hopeful the House will look favorably on these provisions.

I ask unanimous consent that pages 29 to 30 of the committee report, explaining the elementary education provision be printed in the RECORD.

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

ELEMENTARY LEVEL EDUCATION INCLUSION

Subsection (b) of section 201 incorporates section 1 of S. 2036, deleting section 2 of that bill which becomes unnecessary in light of the new subchapter V contained in section 202(a) of the committee substitute amendment (see sec. 1691(a)(1) under which elementary level training would be available). This provision would permit education and training at the elementary school level under the post-Korean conflict GI bill; such training was covered under the Korean program. Also, elementary level training, as is the case presently with high school level training, would not be counted against the veteran's total period of entitlement to GI bill benefits. It is estimated that since the inception of the post-Korean conflict GI bill, 129,000 veterans have been discharged who had not completed elementary school, approximately 20,000 of whom left military service within the last 3 years.

The failure to cover elementary education in the original post-Korean conflict GI bill was not remedied in 1967 when a special provision for the educationally disadvantaged veteran was added to permit such a veteran to complete high school without losing any of his eligibility for regular GI bill benefits.

The Korean conflict GI bill and the Senate version of the 1966 GI bill defined "educational institution" as follows:

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

The 1966 House definition which became law, however, changed the definition by deleting the words "elementary school" and substituting at the end of the phrase "any other institution if it furnishes education at the secondary school level or above" for the phrase "other institution furnishing education for adults." This has been interpreted by the Veterans' Administration to cut off assistance below the high school level. There was no discussion of the change in public hearings or during the House floor debate. The only explanation given is a single sentence in the House report (H. Rept. No. 89-1258):

"This definition follows that applicable to war orphans' educational assistance with the addition of correspondence schools."

Although the Veterans' Administration took no position regarding this provision, there was strong support from other witnesses and no adverse testimony.

The committee believes that the educational level of some servicemen being discharged continues to necessitate the availability of assistance below the secondary level. Without this assistance, the variety of other educational programs administered by the Veterans' Administration would continue to be meaningless to these men.

Mr. KENNEDY. Mr. President, H.R. 11959 will substantially help veterans to receive a good education and to take advantage of their benefits. I support the bill as it has been reported from the Committee on Labor and Public Welfare.

As a former chairman of the Subcommittee on Veterans' Affairs, I feel strongly that this Nation has a fundamental obligation to the men and women who have served so well in the Armed Forces, risking their lives and sacrificing opportunities. There are over 26 million living veterans in the United States today, and veterans and their families make up close to half of our population. In addition, thousands of servicemen are discharged every day to rejoin civilian life. This year, over 1 million GI's who have seen service during the Vietnam conflict will return as civilians.

My own State of Massachusetts has more than 800,000 veterans. Seventy thousand of them have served during the Vietnam era. In 1968, approximately 20,000 GI's returned to civilian life in Massachusetts, and the figure will be even higher for 1969.

This Nation has long recognized the commitment to assist all veterans. Over 100 years ago, Abraham Lincoln stressed the duty of the United States:

> To care for him who shall have borne the battle, and for his widow, and his orphan.

We must assure adequate benefits for all veterans—the returning servicemen of today and the dedicated veterans of yesterday.

Earlier this week, the Senate passed a number of bills relating to medical and hospital benefits for veterans. I strongly supported those bills.

Today, we are again considering important veterans legislation—relating to education and training. H.R. 11959 is a just, fair, farsighted bill to help veterans receive better education. The need is certainly great.

This country has long recognized the importance of education for all citizens. It makes us more productive and constructive members of society, and enhances personal development.

From a financial point of view, there is a direct general relationship between number of years of schooling and level of income. According to figures from the Bureau of Census, college graduates earn twice as much in their lifetimes as high school dropouts and three times as much as grade school dropouts. The Bureau has estimated lifetime incomes for men in terms of the number of years of formal education:

Less than 8 years of grade school	$189,000
Eight years of grade school	247,000
One to 3 years of high school	284,000
Four years of high school	341,000
One to 3 years of college	394,000
Four years of college	508,000
Five or more years of college	587,000

Between 1950 and 1967, median years of education completed by a person 25 years and older rose from 9.3 to 12 years. The average educational attainment level of employed persons in 1967 was 12.3 years, as compared with 8.6 years in 1959. The unemployment rate among high school dropouts and those with no more than a high school degree is close to three times the national average.

In light of the increasing importance of education, I am greatly disturbed that veterans eligible under the cold war GI bill, passed in 1966, have not been taking advantage of their educational opportunities. After World War II, 50 percent of the eligible veterans utilized the college and vocational training which was available. After the Korean war, 42 percent of its veterans benefited from the educational and training programs.

But of the Vietnam veterans discharged to date, only slightly more than 20 percent have utilized their benefits.

Many factors, of course, contribute to this low level of participation. One deterrent, and inequity, is the relatively low-level of support which we give our post-Korean and Vietnam veterans.

During the Korean conflict, allowances under the GI bill covered about 98 percent of the average tuition, board and room costs for public and nonpublic colleges. The present rate of coverage under the cold war GI bill, however, is only 67 percent of these costs. H.R. 11959, as amended by the Senate Committee on Labor and Public Welfare, would in-

crease payments to a level comparable to the coverage under the Korean conflict GI bill.

I support the higher payments. I do not feel that veterans of today should be second-class citizens. They are making great sacrifices for their Nation. They deserve benefits comparable to those which we gave to veterans of earlier eras.

Mr. President, the first part of title II of H.R. 11959 contains a number of proposals from S. 2361, which I introduced on June 9, and from other legislation which I worked on closely with Senator CRANSTON. These proposals would provide special assistance for educationally disadvantaged veterans.

The need is shockingly clear. Over 20 percent of our discharged veterans are high school dropouts—approximately 230,000 in fiscal year 1970. Yet only 6.1 percent of the eligible high school dropouts have taken advantage of the post-Korean conflict educational programs. This rate is only one-third of the participation rate for the Korean conflict and World War II programs in the comparable first 3 years of operation of those programs. At the present time, nine out of 10 new veterans who have not completed high school simply do not use the GI bill. To me, Mr. President, this is a tragically wasted opportunity, and we should do all we can to encourage veterans with weak academic backgrounds to continue their education.

Section 202 of H.R. 11959 represents a two-pronged approach. First, it seeks to make education more attractive to veterans with academic deficiencies by offering improved attention in a more comfortable environment. Second, it seeks to encourage colleges and other educational institutions to admit veterans and develop special programs for them, thereby expanding their educational opportunities.

As expressed in the bill, the purpose is:

(1) To encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to encourage and assist institutions of higher education and other educational institutions in the development of programs which provide special instruction, counseling, tutorial, and other educational and supplementary assistance to such veterans, and (3) to encourage and assist institutions of higher education and other education institutions in the development of special educational programs and projects for such veterans.

The new subchapter V calls for a system of grants, contracts, and special supplementary assistance to be paid to institutions of higher education and other educational institutions to develop programs consistent with this goal.

The basis for the new programs is that even though a veteran may have dropped out of high school or had a mediocre record, presumably in his years in the service he has developed maturity and responsibility. If he does have the motivation to continue his education, we should recognize that he is a good prospect and that his high school performance is an inaccurate indication of his ability and potential. We want to assure that he has chance to develop fully and swiftly in the most conducive educational environment.

One motion would be for postsecondary or other schools to give special preparatory training to veterans, right on the campus, strengthening their background so that they can gain admission to an institution of higher education. They could eventually attend the school which gave them the training, or they could go elsewhere.

Once a veteran with academic deficiencies is admitted and attending school he still may need special tutoring in order to succeed in his studies. Such assistance could be supported under this bill.

Colleges and other schools could be encouraged to develop accelerated and concentrated programs of education for veterans enabling them to earn a bachelor's degree in 2½ to 3 years, for example, rather than the usual 4 years. For a person starting school at the age of 22 or 23 or older, perhaps with dependents and with a need to start earning money as soon as possible, this would be a tremendous help.

Institutions of higher education also might establish a 5- or 6-year program of study for veterans—with an easier course load for those who do not have the background for more concentrated study or those who need to work full time while pursuing their education.

Postsecondary schools also could develop programs to encourage and train veterans to pursue public service occupations to meet community needs. They could offer special incentives and courses to become teachers in disadvantaged areas, or to work in social action programs, or to join undermanned police departments, or to use their training as medics, and so on.

One idea which might be incorporated into some of these programs would be to hire older veterans, in their later years of college, to help the incoming students.

Mr. President, I am pleased and honored that the Subcommittee on Veterans' Affairs and the full Committee on Labor and Public Welfare have acted favorably on my own proposals to help educationally disadvantaged veterans. I think that this represents a new emphasis and recognition of the importance of assisting those with poor educations. I certainly hope that the Senate and the full Congress will approve these long-overdue programs.

A number of other proposals in H.R. 11959 would help disadvantaged veterans and veterans in general. The pre-discharge educational program—PREP—developed by Senator CRANSTON, for example, is an exciting new idea to reach veterans even before they leave the service. The strengthening of one-stop service centers should enable far more veterans to take advantage of their rights. I certainly support these and other sections of the bill which are all designed to help veterans receive a good education and effectively use their benefits.

Mr. President, the Nation has a rare opportunity both to assist and to gain from those who have broken out of disadvantaged backgrounds and matured in the service.

If we follow through with full veterans programs, including special assistance for the educationally disadvantaged, we can ensure that returning veterans will not revert to unproductive lives in ghetto or other areas. Rather, veterans whose horizons and aspirations have been broadened in the service can continue to contribute to our national welfare as constructive, well-educated citizens.

We have an obligation both to the men and women as individuals and to society as a whole to give them the chance.

Mr. FULBRIGHT. Mr. President, I am very pleased to support the Veterans Education and Training Assistance Amendments Act of 1969.

I understand that President Nixon has indicated that he might veto this bill because he believes that its provisions are too generous and inflationary. This bill would provide a 46-percent increase in educational benefits for Vietnam war veterans. The 13-percent increase suggested by President Nixon seems inadequate, particularly considering the greatly increased educational costs today.

Certainly we need to be concerned about inflation, which has been greatly heightened by the war in Vietnam. However, limiting the educational opportunities available to those who carried the burden in the Vietnam war hardly seems the proper way to combat inflation.

I have actively supported previous measures of this nature, strongly believing that we have an obligation to those who have disrupted their lives and educations to serve in our Armed Forces. Our Government sent these people to war and our Government owes them an obligation to assist them in readjusting.

I believe these veterans must be given every opportunity to complete their education. It is vital that they be able to compete in and contribute to our society.

I understand that this bill is designed to remedy the low participation rate under the current GI bill and that it includes a program to advise the veterans of the educational benefits available. According to the report of the Committee on Labor and Public Welfare, the low participation today is in large part due to the enormously increased cost of education over the past 15 years. The committee cites a 55-percent increase in the cost of public education and a 96-percent increase in the cost of private education since 1952–53.

I think all of us stand to benefit from insuring that these veterans, many of them very young, have every opportunity to pursue a higher education with adequate compensation.

Mr. SCHWEIKER. Mr. President, I rise in support of the Veterans Education and Training Assistance Amendments Act of 1969, H.R. 11959 as amended by the Committee on Labor and Public Welfare.

As ranking minority member of the Subcommittee on Veterans' Affairs, I commend this bill as a strong and com-

prehensive response to the educational needs of the returning war veteran in the 1970's.

This bill has taken shape within the Subcommittee on Veterans' Affairs and the full Committee on Labor and Public Welfare as a truly bipartison measure, interested only in the welfare of the American veteran. I am deeply grateful to the chairman of the subcommittee, the able junior Senator from California (Mr. CRANSTON) for his unfailing cooperation with the minority. There can be no doubt that this bill, in its objectives and in the manner it would achieve them, deserves the full support of every Member of this body, regardless of his party or particular political viewpoint.

Perhaps the part of the bill that has received the most attention has been the 46-percent increase in the GI bill educational allowances. I am one who believes this increase is long overdue. After the Korean war, in the years 1952 through 1955, the benefit for a single veteran in college was $110 a month for a 9-month college year. This covered 98.8 percent of the average tuition, room and board charges at American colleges.

Today we pay a single veteran in college only $130 a month for a 9-month school year. The percentage of college costs that this represents has shrunk from 98.8 percent after the Korean war to only 67 percent today. So this is why we must enact the increases set forth on the bill. They would raise a single veteran's monthly benefit to $190 a month, and would raise accordingly the allowances for veterans who are married with dependents.

I support this level of increase in GI benefits out of a sense of equity for the veteran of post-Korean war service. But in addition, there is disturbing evidence that far fewer veterans today are taking advantage of this program than took advantage of it after World War II or the Korean conflict.

In gross figures, half of all the eligible World War II veterans used their GI benefits. After the Korean war, 42 percent of those eligible used them. Since 1966, when the post-Korean war GI bill began, only 20.7 percent of the eligible veterans have used the program. Clearly we need to make this program more attractive to veterans today, and raising the benefits to a realistic level—on a par with the program when it was offered to Korean veterans—is the first step.

The bill before the Senate, however, does not confine itself to increases in the GI benefits. It has a number of other key provisions which affect the whole range of educational opportunities for returning veterans.

It sets up a new cooperative training program in farming for veterans, stressing on-the-farm training.

It establishes new education and training programs for educationally disadvantaged veterans, programs that will apply potentially to the 23 percent of returning veterans who were high school dropouts. These programs include:

GI bill benefits for veterans who take refresher and remedial courses on a college campus to enable them to enter the regular college program;

A supplementary assistance allowance of up to $100 a month per veteran paid to educational institutions that are offering special services to veterans who are educationally disadvantaged;

Authority for the Veterans' Administration to award grants and contracts to educational institutions for special veterans' training programs; and

A pre-discharge education program—PREP—that would reach the about-to-be-discharged serviceman during his last year of duty.

In addition, the bill will extend GI education benefits to those returning veterans whose formal education stopped before the eighth grade and who want to make up this education. This will correct a lapse in the law which, since 1966, has given GI benefits for high school study and beyond but has not included elementary school work. This part of the committee's bill is based on S. 2036, a bill introduced by the junior Senator from Colorado (Mr. DOMINICK).

The bill also recognizes changes which have taken place in the course schedules at many colleges and universities, and thus reduces the number of semester credit hours a veteran must carry in college to receive "full-time student" benefits from 14 hours down to 12, in most cases.

It puts the Veterans' Administration outreach activities on a stronger footing to help advise and counsel returning veterans of the opportunities open to them.

And, finally, the veteran who is moving out of his home area to be interviewed for a job or to take a job, the bill would provide payment by the Veterans' Administration of his reasonable travel and moving expenses. This provision of the committee's bill is based on S. 1088, a bill sponsored by the senior Senator from New York, and the distinguished ranking minority member of the committee (Mr. JAVITS).

Mr. President, just as I have strongly endorsed the increase in basic GI educational benefits in title I of this bill, so do I have great faith in the innovative programs and amendments under title II, particularly those programs designed specifically for the veteran with educational handicaps.

I personally cosponsored a number of the separate bills that went into title II of the omnibus bill: S. 2506, the bill to liberalize college credit hour requirements for veterans; S. 2668, the bill to set up the PREP program and extend GI education benefits to college refresher and remedial courses; S. 2700, the bill to strengthen veterans outreach services, and S. 1088, the Javits bill to provide job relocation assistance to veterans.

While title I provides the basic underpinning of veterans educational opportunities through a realistic level of benefits, title II programs are going to focus resources on the problems of the most educationally deprived veterans. Of the 1 million veterans coming home each year 23 percent have not completed high school. We must not forget the needs of this large segment of the veteran population. We must design programs for their needs, not simply offer programs that "skim off the cream" of the best qualified veterans. I submit that this bill, in its title II programs, can do the job if we support it.

The bill H.R. 11959, as amended by the committee, also contains a number of more technical provisions previously passed by the House in H.R. 6808.

One of the provisions passed by the House was section 2(b) of H.R. 6808, which would prohibit Veterans' Administration approval of a veteran's apprenticeship training where the Administrator "finds that by reason or prior training or experience such veteran is performing or is capable of performing the job operations of his objective at the same performance level as the journeyman in the occupation."

However, our committee did not report out this provision because, as the committee report states at page 68:

> The committee did not find either in the hearings or House report sufficient justification for this provision.

The International Union of Barbers, Hairdressers, Cosmetologists, and Proprietors and its affiliate, the Pennsylvania State Association of Journeymen Barbers, Hairdressers, Cosmetologists, and Proprietors, strongly oppose this provision. They believed that it would be used to discriminate against and withhold VA benefits from barber apprentices who have graduated from a barber college but who are still doing their necessary apprenticeship in order to qualify for a journeyman barber's license.

I agree that this might be a consequence of such a provision in the law, and I support the position of the barbers' organizations. In Pennsylvania, for example, a barber cannot become licensed unless he has trained for 24 months. Usually this means 9 months of training in one of Pennsylvania's 11 schools of barbering, followed by 15 months of apprenticeship training on the job in a barber shop.

Barber apprentices are not free to go into business for themselves during the apprenticeship period. They must work for an established barber until they are licensed. They must build their own clientele, even though they usually find it difficut to attract customers during this period when they are still learning their craft. I think it is unfair to single out these apprentice barbers for any discriminatory treatment in the awarding of GI apprenticeship benefits.

Mr. President, I strongly urge that the Senate act favorably on this vital measure, H.R. 11959, as amended by the committee.

Mr. RANDOLPH. Mr. President, this legislation in behalf of our many veterans who are and have recently returned from active duty in the Armed Forces of our country is greatly needed in terms of a realistic thank you for services rendered. It is an assist to each serviceman as he returns to civilian life. There is also provided an upgrading of the qualifications of those entering the employment market.

The value of the educational benefits which were begun after World War II has been well evidenced. These programs have provided incentive and valuable

training to many young men and women. However, there have been many changes in our society which necessitate reforms in our educational and training assistance programs—increases in educational expenses, rise in living costs, requirements for skilled labor, demands for trained technicians, and more stringent higher education entrance requirements. These were well documented in the testimony before our Veterans' Affairs Subcommittee.

After spending an average of 3 years in military service, it is difficult for a young man to reenter civilian life and spend several additional years outside the regular employment market in pursuit of education and training. This has been well evidenced in the apparent lack of enthusiasm for participating in the education benefits programs of our Vietnam era veterans. We have only a 20.7 percent participation record.

It is particularly difficult for a 22- or 23-year-old man or older to go back to pick up the remedial work necessary to complete elementary or secondary education requirements which are necessary prior to entering fields of higher endeavor. We must provide the incentive and the necessary counseling to involve our veterans in these opportunities. This legislation we have developed will provide this encouragement.

The increases in the educational allowances for all types of training are certainly more in line with present-day costs. A full-time college student with no dependents would receive $190 a month or $1,710 for a 9 month—two semester—school year. This is adequate but no luxury with today's higher education costs. Those with the same status in the vocational rehabilitation program would be eligible for $160 a month, in farm cooperative educational programs it is $153, and apprenticeship training is $116 a month for the first 6 months.

Important new additions to our veterans' benefits programs are contained in title II of the bill which is aimed at providing more flexibility in vocational education programs, elementary level education assistance without loss of entitlement to regular benefits, predischarge educational programs, special programs for educationally disadvantaged, and incentive for schools to provide special education programs for veterans. These are significant new supplements to our Government's effort in behalf of our veterans.

This fiscal year 230,000 of the approximately 1 million servicemen to be discharged will be high school dropouts. It is important that we make a special effort now to involve these young men and women in programs which will multiply many times over their future employment opportunities and will greatly enhance their role in America's development and, consequently, the return America will receive from them.

The young men and women who are giving so much of their time during this special period of their youth richly deserve this financial assistance and attention. As a member and a former chairman of the Senate Veterans' Affairs Subcommittee, I am well aware of the services performed by our veterans both as members of the Armed Forces and as civilians. I want to commend the chairman of the Senate Labor and Public Welfare Committee, Senator YARBOROUGH, who is also a former chairman of the Veterans' Affairs Subcommittee, for his continued outstanding leadership in behalf of programs for our returning servicemen. His efforts are well recorded in the GI benefits programs which have been approved by the Congress in the last decade. I would also like to congratulate the new chairman of the Veterans' Affairs Subcommittee, Senator CRANSTON, for his effective work in reporting this updated, meaningful program. He has performed an outstanding service, as have other committee members, to our veterans, and, therefore, to all Americans.

Mr. CRANSTON. Mr. President, I believe we are ready for a vote.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Nevada (Mr. BIBLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Missouri (Mr. EAGLETON), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Wyoming (Mr. MCGEE), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. GURNEY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is detained on official business.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. GURNEY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 134 Leg.]

YEAS—77

Aiken	Harris	Murphy
Allen	Hartke	Nelson
Anderson	Hatfield	Packwood
Baker	Holland	Pastore
Bennett	Hollings	Pearson
Boggs	Hruska	Percy
Burdick	Hughes	Prouty
Byrd, Va.	Inouye	Proxmire
Byrd, W. Va.	Jackson	Randolph
Church	Javits	Ribicoff
Cook	Jordan, N.C.	Russell
Cooper	Jordan, Idaho	Saxbe
Cotton	Kennedy	Schweiker
Cranston	Long	Smith, Maine
Curtis	Magnuson	Spong
Dodd	Mansfield	Stennis
Dole	Mathias	Symington
Dominick	McClellan	Talmadge
Eastland	McGovern	Thurmond
Fannin	McIntyre	Tydings
Fong	Metcalf	Williams, N.J.
Fulbright	Miller	Williams, Del.
Goldwater	Mondale	Yarborough
Goodell	Montoya	Young, N. Dak.
Griffin	Moss	Young, Ohio
Hansen	Mundt	

NAYS—0

NOT VOTING—23

Allott	Ellender	Muskie
Bayh	Ervin	Pell
Bellmon	Gore	Scott
Bible	Gravel	Smith, Ill.
Brooke	Gurney	Sparkman
Cannon	Hart	Stevens
Case	McCarthy	Tower
Eagleton	McGee	

So the bill (H.R. 11959) was passed.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, the Senate has acted most wisely, equitably, and appropriately in passing this legislation today.

It will be of direct assistance to well over one and a quarter million veterans, war orphans, and widows, and their families over the next year.

The increases in educational and training benefits and the new expanded programs to reach and assist the educationally disadvantaged, contained in this bill, are simple justice—and are long overdue—in light of the past sacrifices and future promise of these veterans.

For an annual cost of about 2 percent of our yearly expenditures to wage the Vietnam war, we will be able to meet the education and training needs of a significant segment of our population.

Many of our present veterans are in desperate need of encouragement and assistance at this critical time in their lives. And virtually all of the more than 80,000 new veterans each month are college age and are highly susceptible to encouragement and assistance in improving and acquiring the knowledge and skill which will enable them to compete successfully in today's increasingly specialized and competitive job market.

I wish to thank the distinguished majority and minority leaders for their outstanding cooperation in securing such speedy passage of this omnibus bill—H.R. 11959.

I am extremely grateful to all of my colleagues on the Veterans' Affairs Subcommittee and on the full Labor and Public Welfare Committee for their outstanding bipartisan cooperation and support in the consideration of the 10 bills which have been included, in part or in whole, in this omnibus veterans education and training bill.

I wish to congratulate Senator YARBOROUGH on his great achievement represented by the passage of these major education and training allowance rate increases and the other proposals in title I of the bill.

He is owed the praise and tribute of all the veterans of this Nation for his unswerving leadership on these vital measures.

I would also like to commend the veterans' organizations for their valuable work on behalf of these measures.

Finally, and certainly not least in my gratitude, I wish to thank the Senator from Pennsylvania (Mr. SCHWEIKER); the ranking minority member of the Veterans' Affairs Subcommittee.

In all of the work of the subcommittee, Senator SCHWEIKER has been of the greatest assistance in our bipartisan effort to secure enactment of legislation to provide our veterans with the kind of education and training programs which they richly deserve and badly need.

The title was amended, so as to read: "An act to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational, and special training assistance allowances paid to eligible veterans and eligible persons under such title; to improve the flight training and farm cooperative programs; to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans' outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional undergraduate college course in order to qualify for a full-time educational assistance allowance; and for other purposes."

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

Mr. MANSFIELD. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). The Senator from California.

Mr. CRANSTON. I yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I am grateful to the Senator from California for his kind words about my effort on this bill; but, as shown by the unanimous vote of the Senate, this was not the work of any one man nor even of our committee, as able as that work was, under the leadership of the Senator from California in the Subcommittee on Veterans' Affairs. Many people, in both parties, have worked on this bill. It was reported by our committee with a unanimous vote—members of both parties—because of the very low payments to the veterans of the cold war and Vietnam war, which have resulted in only one veteran out of five going to school.

I think the allowances the Senate has voted should be held in conference to the last penny. Anything else would be a denial of even a semblance of justice to these veterans who have borne the brunt of this conflict for so long.

I am especially thankful for the able work of the subcommittee. We had quorums constantly. We never called for executive sessions of the full committee or subcommittee without a quorum being present. That took united effort of Senators on both sides of the aisle. I am grateful to them, and I am thankful that this measure of justice for more than six million discharged veterans of the cold war, eligible under this bill to go to school, has been written into partial passage by the Senate passing the bill.

I am hopeful that the House will accept this and not call for a conference. If they will accept justice, they will accept this bill.

Mr. MANSFIELD obtained the floor.

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

Mr. MANSFIELD. Does the Senator wish to speak on the bill which was just passed?

Mr. HOLLAND. Yes.

Mr. MANSFIELD. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr President, I voted for this bill when it passed. It was the only recorded vote I was given a chance to cast. I cast it because I think that the facts require a substantial improvement in the level of payments to veterans of the Vietnam war and of the cold war.

I am not, however, in accord with the level of payments prescribed by this bill. I would have gladly voted for the amendment offered by my distinguished friend, the Senator from Delaware (Mr. WILLIAMS), if a rollcall vote had been required. I was busy on other business of the Senate and did not know that there was not to be a rollcall vote on that amendment.

Mr. President, I hope that in conference we will get a bill more in accord, in my opinion, with the needs of the veterans, their widows and dependents, and more in accord with the treatment given uniformly by our Nation—and given gratefully—to its veterans of further wars.

I wanted the RECORD to be clear on this because, while not only I but also others voted for this bill under the conditions which confronted us, I am sure a great many Senators do not feel that the level of payments permitted by this bill is in accord with the real situation now existing.

I thank the majority leader for yielding.

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

Mr. MANSFIELD. I yield.

Mr. HANSEN. Mr. President, I, too, rise, as did the senior Senator from Florida, to point out my feelings. Had there been a rollcall vote on the amendment of the Senator from Delaware (Mr. WILLIAMS), I would have joined my distinguished and respected colleague from Florida. I say this, fully aware of the contribution that the GI bill has made to this country throughout the years. But I am not unmindful, in saying that, of the concerted effort that is presently being made in order to try to dampen the fires of inflation.

It is in that context that I am most disturbed over the action that has been taken by the Senate this afternoon. As the vote has disclosed, I supported the passage of this bill. I would hope, though, that as the bill goes to conference, our conferees will be keenly aware of the great concern that the President of the United States must give our country's fiscal position. I hope we will not make it necessary for the President to have to veto a bill that has such a great deal of merit. I am told that if the action taken by the Senate should prevail, then he will have little choice except to veto this measure; and, in my opinion, that would be most unfortunate. It would be unfortunate because it would deny needed aid that can go to veterans in order to enable them to continue their education, and I know how important that is.

But it is equally important that we take cognizance of the fact that a great many people in the country today on fixed incomes are sorely strapped because of inflation; they are caught up in a situation that makes it extremely difficult for them to stretch their funds far enough to buy even the basic necessities of life in order to support their families. We must keep this in mind as we deal with measures which can badly unbalance the budget.

With that stark fact before us, I simply want to record my hope about the responsible position that I think should be taken by our conferees when they meet with the representatives of the other body in trying to resolve the differences between the cost of these two bills.

I thank the distinguished majority leader for yielding to me.

Mr. MANSFIELD. Mr. President, I yield to the distinguished senior Senator from Iowa (Mr. MILLER) at this time, and at the conclusion of his remarks, I will yield automatically to the distinguished senior Senator from Delaware (Mr. WILLIAMS).

Mr. MILLER. I thank the Senator from Montana.

Mr. President, I, too, joined in voting for the bill which has just been passed by the Senate. At the same time, I think I should truthfully state that I am deeply concerned about the percentage of increases reflected in the bill.

The President of the United States appointed a commission to look into the scale of benefits and recommend the increases that would be indicated, not only to take into account the inflation that has occurred during the last 2 years, since the last increase in veterans' benefits was passed, but also to provide a hedge against future inflation. That commission came out with a recommendation which was relatively modest.

The House, in turn, increased the scale of benefits considerably over the commission's and the President's recom-

mendation. I would prefer it if the Senate had kept within the House framework on these benefits. But instead of doing so, the committee of the Senate reported the bill with a great increase over and above what the House itself had set.

When the bill goes to conference, I hope that the Senate conferees will take into account that the House rates of increase are not only more than enough to take care of inflation that has occurred but also very substantial as a hedge against future inflation, and that if they do not go along with the House rates, there is likelihood that the President will veto this bill. If the President should not veto the bill, the very least he would have to do would be to cut back in some other programs where there is some administrative discretion. There already has been a cutback in some programs. Others have been held level. I am afraid that some of the people who voted for the large increase in this bill failed to take into account that Congress, earlier this year, set a maximum spending level for the President of the United States to keep within. In order to do so, he will have to squeeze other programs which other Members of Congress do not want squeezed. In other words, Mr. President, we cannot have our cake and eat it, and I hope the conferees will operate accordingly.

Mr. WILLIAMS of Delaware. Mr. President, I thank my colleagues for their remarks.

Those of us who supported the lower figure in the House bill took the only possible course we had in this instance, and that is to send this bill to conference. Having failed in our objective of rolling the increases back to the level as originally provided in the House bill we were confronted with the choice of defeating the bill in its entirety or of sending it to conference in the hope that we could have it readjusted.

I stated earlier, and the Senator from Iowa has pointed out, that since we have placed the President in a straitjacket of expenditure ceilings, we in Congress have a responsibility to do our part and either hold within those ceilings or spell out those areas in which it plans to make reductions. Thus far all that the Senate has done is to outline its plans for more spending.

The approval of the bill by conference in the form it has just passed the Senate would not help veterans because it would leave the President no choice but to veto the bill. I think the veto would be sustained, and in that event no benefits would go to the veterans.

I hope the conferees recognize this point and that they will try to bring back a bill in line with the budget estimate and more nearly what we can afford. It is with that thought in mind that I joined Senators in sending the bill to conference so that we could have another chance of getting a reasonable bill.

The fact the bill passed without any dissenting votes should not mislead the conferees.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I think the debate made very clear the degree to which we understood the President's problem, and we ask him also to understand our problem. I am the ranking minority member of the committee, as Members of the Senate know. I hope very much we will be able to produce a result that the President can sign into law. I know that will be one of the objectives of the conferees. Mr. President, I assure Senators that as far as I am concerned I will make every effort in this regard.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I think I have the floor.

There has been much discussion on this bill.

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

Mr. MANSFIELD. I will yield once more, briefly.

Mr. YARBOROUGH. Mr. President, this discussion has come up after the bill has been passed by a vote of 77 to nothing. It has been said that the President will veto the bill. I do not believe that for 1 minute. If these gentlemen have been told that by the President, certainly I believe it, but we have had only opinions.

The President has said the cost will be $393 million. The Vietnam war is costing us $30 billion. My estimate from various committee members is that we are spending $36 billion.

It is inconceivable to me that the President would veto a bill that is only 1 percent of the cost of the war in Vietnam, and which would mean so much to these veterans who are shedding their blood in fighting this war for all of us. It is inconceivable to me that the President would not spend 1 percent more in order to let them go to school. I believe he will sign the bill. He is a veteran himself of World War II. He has had wide experience and I do not believe he would turn his back on the veterans. I shall stand by this bill in conference. I do not believe the President would veto the bill.

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

Mr. MANSFIELD. I yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator.

I think that the very point made by my distinguished friend from Texas is the point of several of us on the floor of the Senate, and the subject of discussion of many more Senators in the cloakroom, with respect to what was needed to correct this situation. Many of us voted for the bill because we recognized the fact that the present level of payments is entirely inadequate and that it should be raised. However, this is the only rollcall vote on which we have had a chance to cast our votes.

I want the RECORD to show what at least one Senator, who was not in touch with the President and does not know his thinking or plans, and who makes no pretense in that regard, thinks what he regards are much too high levels included in the bill. I hope we do get remedial legislation to help veterans. I am a veteran and both of my sons are veterans. They got their law degrees under this kind of help in the first GI bill.

But I think we are entitled to be heard and I would not have satisfied my conscience if I had not been heard on what I regard as the too-high levels incorporated in the provisions of the bill we have just passed. I hope those levels will be substantially reduced to a more acceptable figure in conference.

Mr. MANSFIELD. Mr. President, I have a few words to speak on this bill at this time. At the outset, I do wish to say I think this is a good bill, that it is long overdue, and that it achieves parity at long last for veterans.

I want to commend the Senator from California (Mr. CRANSTON) and the distinguished chairman of the committee, the Senator from Texas (Mr. YARBOROUGH).

May I say that the Senate owes a deep debt of gratitude to the able and distinguished Senator from Texas (Mr. YARBOROUGH), the chairman of the Committee on Labor and Public Welfare. His unstinting devotion to the causes of our veterans and to the assistance they need in gaining an education has been exemplary. His record in this area is unsurpassed. Over the years Senator YARBOROUGH has distinguished himself so much in both the fields of veterans assistance and education assistance. Of course he is the author of the original cold war GI bill. And it is no wonder that here in the Senate RALPH YARBOROUGH has been referred to for years as "Mr. Veteran." Today's success—the Senate's improvement of the cold war GI bill benefits—should serve to enhance that reputation measurably.

I must say as well that the distinguished Senator from California (Mr. CRANSTON), the able chairman of the Veterans' Affairs Subcommittee, deserves equally high praise for his outstanding effort in behalf of this measure. His careful presentation, his strong and able advocacy assured its unanimous approval by the Senate. The veterans of this Nation, indeed, all Americans are in his debt.

The distinguished Senator from New York (Mr. JAVITS) must be commended also for his splendid cooperation and support. Our commendation goes as well to the distinguished Senator from Michigan (Mr. GRIFFIN), the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), the distinguished Senator from Delaware (Mr. WILLIAMS) and to the many others who joined to offer their views, their support and their assistance.

The Senate may be proud of another fine achievement obtained efficiently and with full regard for the views of all Members. I think that returning veterans who have been going to college have been operating under a handicap, and certainly have not reached parity with those veterans who served in World War II, the Korean war, and after the Korean war. This is especially true in view of the tremendous increase in the cost of tuition at colleges today and, even further in light of the cost of living as well. This measure has been long overdue.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calen-

dar, beginning with Calendar No. 488, and that the rest of the calendar be considered in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will proceed to state items on the calendar, beginning with Calendar No. 488.

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930, AMENDMENTS

The bill (H.R. 9857) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-490), explaining the purposes of the measure.

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

SHORT EXPLANATION

This bill would amend the Perishable Agricultural Commodities Act to—

(1) Increase the maximum annual license fee to $100 (from $50); and

(2) Extend the retailer and frozen food broker exemptions to those doing less than $100,000 worth of covered business annually (now $90,000).

BACKGROUND

The basic objective of the Perishable Agricultural Commodities Act is to establish a code of fair trading practices governing the marketing in interstate and foreign commerce of fresh and frozen fruits and vegetables and cherries in brine and to aid in the enforcement of contracts for marketing these commodities. Under this act, it is unlawful for any commission merchant, dealer, or broker in connection with any transaction in interstate or foreign commerce to engage in certain unfair trade practices. Among these are:

(1) To reject or fail to deliver in accordance with terms of his contract, without reasonable cause;

(2) To dump, discharge, or destroy without reasonable cause any lot received on consignment;

(3) To fail or refuse to account correctly and to pay promptly for any lot;

(4) To fail to perform any specification or duty arising out of a contract without reasonable cause;

(5) To misrepresent or misbrand as to character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity or State, country, or region of origin; and

(6) To fail to maintain adequate records and accounts.

Enforcement is through a system of licenses. Every commission merchant, broker, and dealer, including certain retailers and processors, operating subject to the act is required to be licensed. Most applicants encounter no problems in obtaining licenses. However, the Secretary may deny licenses to certain individuals for specific reasons spelled out in the law, including false or misleading statements in the application, a history of repeated violations of the act, the criminal record of the applicant, the failure to pay reparation awards, or the failure to furnish required surety bonds. Licenses may be suspended or revoked for violations of the act.

There are two main phases of activity in administering the act. First, the Secretary is authorized to hear and decide disputes which involve claims for damages resulting from any violation of the fair trading principles. Complaints are filed with the Secretary; investigations are made as warranted; and, if possible, amicable settlements are worked out between the parties. If a dispute cannot be settled informally, it may become a formal proceeding in which the parties are given an opportunity to submit evidence in support of their positions, either at an oral hearing or by written submissions of evidence. If the Secretary concludes that a violation has occurred, he determines the amount of damages sustained and issues an order requiring the offender to pay such damages to the injured party by a specified date. The offender's license is automatically suspended unless he pays the amount of the award or appeals the Secretary's decision to a district court of the United States, as provided in the act.

The second main phase of activity relates to disciplinary measures. These include administrative proceedings by the Secretary to suspend or revoke licenses for violations of the act, and court actions to collect civil penalties for operating without a license, together with injunctions to restrain further operations.

The act is self-supporting from annual license fees. These fees are deposited in a special PACA fund and all costs of administration of the act—except for legal services—are financed from these fees.

The Secretary is authorized to set the level of the annual license fee, within the maximum provided in the act, at an amount sufficient to provide the revenue to meet anticipated expenses for administering the act. Before the license fee has been raised, the Secretary has published the proposed rate and given all interested persons an opportunity to file their comments or objections. The present maximum fee authorization of $50 was established in an amendment to the act of October 1, 1962. Under this authorization, the annual license fee was increased to $36 on January 1, 1963, to $42 on January 1, 1965, and to $50 on January 1, 1969.

NEED FOR INCREASE IN MAXIMUM LICENSE FEE

The statutory ceiling on license fees must be raised because of (1) the declining number of firms operating subject to license, and (2) the increasing cost of administering the act. At present, the number of firms licensed is approximately 19,285, compared with an alltime peak of about 27,000 in 1956. This trend toward fewer licensees results from the continuing mergers and consolidations in the fruit and vegetable industry and the closing of many small firms. During the past 5 years, for example, the net decline in the number of firms licensed has averaged over 670 per year.

Despite the decline in number of firms licensed, the number of complaints filed under the act and the requests for advice and assistance have remained relatively constant. During the past fiscal year, for example, a total of 2,272 reparation complaints were handled by the Department under this act. Informal amicable settlements were arranged in 930 such cases resulting in payments to the parties of approximately $2.3 million. In addition, 341 formal orders were issued by the Department's judicial officer awarding reparations amounting to over $777,000. The Department makes no charge for the handling of these complaints.

Also, more than 9,800 requests for advice were received last year from members of the industry seeking assistance, mostly with problems concerning marketing contracts. Many disputes are settled on the basis of these informal recommendations by the Department and the necessity of filing complaints is avoided. The Department also conducted 15 marketing seminars for various trade groups during this period to encourage compliance with the law, minimize marketing disputes, and discuss procedures followed in administering the act.

Costs of administration have been increasing, largely because of adjustments in employees' salary scales and fringe benefits which account for over 80 percent of the expenditures under this act. The costs have increased even though there has been a reduction in the number of employees engaged in the administration of the act, and this number now is at the lowest level in over 10 years.

The PACA fund incurred a deficit of over $12,000 in fiscal year 1968 and a deficit of approximately $58,000 during the first 6 months of fiscal year 1969. With the increase in the license fee that became effective January 1, 1969, it is estimated that income and expenditures for fiscal year 1969 as a whole about balanced out. With continued decline in numbers of licensees it is likely that deficits will occur in fiscal years 1970 and 1971. The Department estimates it will be necessary to increase the license fee again in the amount of approximately $10 about January 1, 1971, in order to obtain sufficient revenue to meet the anticipated costs of administration. The small reserve in the PACA fund would soon be depleted if such deficits continue.

NEED TO INCREASE THE EXEMPTION FOR RETAILERS AND FROZEN FOOD BROKERS

Since the Perishable Agricultural Commodities Act was enacted in 1930, the great majority of food retailers have always been exempt from the licensing provisions. From 1930 to 1962 this exemption was expressed in terms of tonnage of perishable agricultural commodities purchased by retailers. When the act was amended in 1962, the exemption was broadened and was converted from a tonnage to a dollar volume basis. At present, all retailers are exempt whose purchases of perishable agricultural commodities amount to $90,000 or less per year.

Also, in 1962 an exemption from license was added for the first time for frozen food brokers who negotiate sales for and on behalf of vendors and whose sales of frozen fruits and vegetables have an invoice value of $90,000 or less per year.

H.R. 9857 would raise the exemption for both retailers and frozen food brokers to $100,000. The proposed increase in the amount of the exemption would approximate the increase in the index of wholesale food prices that has taken place since 1962 when the $90,000 exemption was established.

There are an estimated 200,000 retail food firms operating at present. Only approximately 4,000 of these firms currently are licensed under PACA in view of the exemption which excludes all those whose purchases of perishable agricultural commodities total less than $90,000 per year. Since fresh and frozen fruits and vegetables account, on the average, for about 9 percent of retail food store gross sales, this means that raising the exemption to $100,000 would exclude most retail firms with gross sales of less than $1.5 million per year. Therefore, it is estimated that fewer than 2 percent of all food retail firms would be subject to license under the bill as proposed.

The Department's records indicate that there are fewer than 300 frozen food brokers currently subject to license under PACA. Consequently, an increase in the exemption for these brokers from $90,000 to $100,000 would affect a relatively small number of such firms.

COST

This bill involves no additional cost to the Government. In fact, its enactment would continue the self-financing principle that

has been followed under the PACA program since its inception. Conversely, the failure to enact this bill would result in a continued deficit in the PACA fund which would in time require an appropriation by the Congress.

RESOLUTION PASSED OVER

The resolution (S. Res. 277) to refer the bill (S. 202) entitled "A bill to provide that the United States disclaims any interest in a certain tract of land" to the chief commissioner of the Court of Claims for a report thereon was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

FRANCIS ASBURY STATUE

The bill (S. 1968) to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to permit the removal of the statue of Francis Asbury erected, pursuant to the Act of February 28, 1919 (40 Stat. 1213), on lands in the District of Columbia now under the administrative jurisdiction of the National Park Service, and to convey without compensation title to said statue to the Methodist Corporation, a religious corporation duly organized and existing under the laws of the District of Columbia, upon such terms and conditions as the Secretary deems necessary. The removal of the statue and restoration of the site to the satisfaction of the Secretary shall be without cost to the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–493), explaining the purposes of the measure.

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

HISTORY

The bronze, equestrian statue of this pioneer Bishop of the Methodist Church was erected by the Francis Asbury Memorial Association, and was dedicated on October 15, 1924. Its present location, at 16th and Mt. Pleasant Streets NW., was selected because of its proximity to the Francis Asbury Methodist Church, erected to the memory of the Bishop. This church has since moved, so that the original purpose in erecting the statue on this site would no longer be served.

The original legislation authorized the erection of the statue on public grounds in the District of Columbia. Therefore, the statue cannot now, by administrative action, be moved and placed on private grounds. Such action was requested by the presiding Bishop, and the committee for the development of the new Methodist Center. Further, the statue is the property of the United States and, as such, permanent disposition by gift or otherwise requires congressional authorization. S. 5968 would provide the necessary authorization both for the removal of the statue to private grounds and for conveyance of title to the Methodist Corp. It provides that the removal of the statue and restoration of the site shall be at no cost to the United States.

Enactment would result in a minor saving to the United States for semiannual cleanings of the statue.

COST

The measure specifically provides that removal of the statue and restoration of the site to the satisfaction of the Secretary shall be without cost to the United States.

GREAT SMOKY MOUNTAINS NATIONAL PARK

The bill (H.R. 11609) to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in the State of North Carolina, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 232) to promote the economic development of the Trust Territory of the Pacific Islands was announced as next in order.

Mr. MANSFIELD. Over, momentarily.

The PRESIDING OFFICER. The bill will be passed over.

FREDERICK DOUGLASS HOME

The bill (H.R. 5968) to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes," approved September 5, 1962, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–496), explaining the purposes of the measure.

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

LEGISLATIVE BACKGROUND

In 1962, the Congress considered and enacted legislation authorizing the Secretary of the Interior to designate the former home of Frederick Douglass, known as Cedar Hill, for preservation as a part of the park system of the National Capital (Public Law 87–633, 76 Stat. 435). Subsequently, on June 25, 1964, the house, located at 1411 W Street SE., and approximately 8 acres of land were deeded, without cost, to the Federal Government by the Frederick Douglass Memorial and Historical Association.

At the time of the authorization, it was recognized that extensive repairs might be necessary. The committee report on the legislation (H. Rept. 2190—87th Cong.) stated that "Cedar Hill appears to be structurally sound but it is badly in need of repairs"; however, the funds authorized to be appropriated to rehabilitate and refurbish it were limited to $25,000. It was anticipated that additional costs might very likely be incurred, but it was hoped that they could be absorbed from donated funds expected to be raised for this purpose. Unfortunately, both premises upon which the modest authorization was founded proved faulty. First, an intensive study revealed extensive deterioration of the structure due to damage caused by water and insects, and second, the anticipated donations never materialized.

The result of these regrettable, but unforeseeable, circumstances has been that Cedar Hill has been closed to the public, that it is continuing to deteriorate, and that the objective of the Congress in making it a part of the national park system has been thwarted. If enacted, H.R. 5968 will rectify the situation and enable the National Park Service to make it a meaningful and useful park facility.

NEED

No action which the Congress can take can make a place in history for any man. That, he must do for himself. But the Congress can, by legislative action such as this, recognize the significance of a man's contributions and, in so doing, it can help to make them meaningful examples for the guidance and inspiration of generations to follow. It is highly appropriate that the Congress should commemorate the memory of Frederick Douglass. He was the kind of man who should be remembered.

Frederick Douglass was born a slave; he struggled for his liberty. A Negro, he suffered all of the torments of the people of his race, but he converted his frustrations into constructive energy which was the driving force of his character. Raised in ignorance, he educated himself; reared in complete poverty, his industry brought him wealth and independence; lacking in social standing, he became one of the foremost orators and powerful writers of his age. Facing all of the prejudices against his race in his times, he became a champion in the political arena. All of this did not come without effort or hardship, but it came because his ideals were unimpeachable and his methods of achieving them were compatible with the American system.

Cedar Hill is symbolic of the achievements of this 19th century leader. It sits on the crest of a hill in a residential neighborhood of the Anacostia section of the District of Columbia. With proper development of appropriate visitor facilities (including a visitor contact station, parking space, and the like, it could be a significant unit of the park system in the National Capital region. Through interpretive devices, this man and his contributions could assume their proper place in the historic panorama depicted by the various historic sites located throughout the Nation and visitors of all ages and races could benefit from the experience associated with a tour of the home.

Although the extensive restoration contemplated by H.R. 5968 was not the objective of the original act in 1962, it is apparent that minor repairs, will not adequately improve the property to make it useful as an interpretive historic facility. It is now unsafe for visitors to enter the house, because of the deterioration of the structural members, and most of the furnishings and memorabilia associated with Frederick Douglass have been removed to protect them from destruction. If the site is to be useful, a new approach is essential; a smaller investment would be inadequate to accomplish the objective.

EDUCATIONAL AND CULTURAL BENEFITS

In addition to being symbolic of Frederick Douglass' achievements, Cedar Hill will create a living memorial to this outstanding American. A memorial which will also be functional by providing both educational and cultural benefits.

As presently planned, the home will contain more than 1,300 books and over 500 artifacts; along with Mr. Douglass' personal papers, his speeches, and his writings. The visitors center, as planned, will contain a room suitable for community and educational purposes. By equipping and furnishing Cedar Hill in such a manner, the Na-

tional Park Service believes that maximum use may be obtained of the home. Students will be allowed to study and conduct research in the extensive library, while groups will be able to use the visitors center.

The committee was assured that the Park Service had adequate existing authority to implement the functional as well as the interpretive use concept.

The committee was further assured that the home would "indeed be a first-rate memorial" in commemorating this outstanding man.

COST

To provide a meaningful facility, it will be necessary to restore completely the buildings and grounds so that they reflect Cedar Hill as Frederick Douglass knew it. This will involve the reconstruction of the carriage approach to the house, the installation of new heating and utility systems, and the general restoration of the interior and exterior of the home. In addition, the plan for the site includes the construction of a visitor contact station and the installation of modern interpretive devices.

All of these undertakings require substantial sums of money. H.R. 5968, as recommended, increases the authorization for this purpose from the present $25,000 limitation to $413,000—an increase of $388,000. On the basis of current estimates, this should make the Frederick Douglass home a most attractive memorial to an outstanding American.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends the enactment of H.R. 5968.

PACIFIC ISLANDS TRUST TERRITORY

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 492, S. 232.

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

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 232) to promote the economic development of the Trust Territory of the Pacific Islands.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 23, after the word "on", strike out "outstanding and insert "comparable"; and on page 3, line 20, after the word "of", where it appears the second time, insert "the outstanding amount of"; so as to make the bill read:

S. 232

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

SECTION 1. This Act may be cited, as the "Trust Territory of the Pacific Islands Economic Development Fund Act of 1969."

SEC. 2. For the purpose of promoting economic development in the Trust Territory of the Pacific Islands, there is hereby authorized to be appropriated to the Secretary of the Interior to be paid to the government of the Trust Territory of the Pacific Islands for the purpose of this Act such amount as will result in a Trust Territory Economic Development Loan Fund of $5,000,000. The Trust Territory Economic Development Loan Fund means the fund established pursuant to section 3 of Public Law 88-487, as augmented by further Federal grants prior to the date of enactment of this Act.

SEC. 3. Prior to receiving any funds pursuant to this Act the government of the Trust Territory of the Pacific Islands shall submit to the Secretary of the Interior a plan for the use of such funds which meets the requirements of this section and is approved by the Secretary. The plan shall set forth the policies and procedures to be followed in furthering the economic development of the Trust Territory of the Pacific Islands through a program which shall include and make provision for loans and loan guarantees to promote the development of private enterprise and private industry therein through a revolving fund for such purposes: *Provided,* That the term of any loan made pursuant to the plan shall not exceed twenty-five years; that such loans shall bear interest (exclusive of premium charges for insurance, and service charges, if any) at such rate per annum as is determined to be reasonable and as approved by the Secretary, but in no event less than a rate equal to the average yield on comparable marketable obligations of the United States as of the last day of the month preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, which rate shall be determined by the Secretary of the Treasury upon the request of the authorized agency or agencies of the government of the Trust Territory of the Pacific Islands; and that premium charges for the insurance and guarantee of loans shall be established at rates which will be adequate to cover expenses and probable losses related to the loan guarantee program.

SEC. 4. No loan or loan guarantee shall be made under this Act to any applicant who does not satisfy the agency or agencies administering the plan that financing is otherwise unavailable on reasonable terms and conditions. The maximum participation in the funds made available under section 2 of this Act shall be limited (a) with respect to all loans, to that degree of participation prudent under the circumstances of individual loan but directly related to the minimum essential participation necessary to accomplish the purposes of this Act, but in no event shall more than 25 per centum of the funds actually appropriated by the Congress be devoted to any single project, (b) with respect to loan guarantees, to a guarantee of 90 per centum of the outstanding amount of any loan: *Provided,* That, with respect to loan guarantees, the reserves maintained by the agency or agencies for the guarantee shall not be less than 25 per centum of the guarantee.

SEC. 5. The plan provided for in section 3 of this Act shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

SEC. 6. The High Commissioner of the Trust Territory of the Pacific Islands shall make an annual report to the Secretary of the Interior on the administration of this Act.

SEC. 7. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to the books, documents, papers, and records of the agency, or agencies, of the government of the Trust Territory of the Pacific Islands administering the plan that are pertinent to the funds received under this Act.

Mr. MANSFIELD. Mr. President, this is a long overdue piece of legislation affecting the authority and the responsibility which rests on the Government of the United States in all the Trust Territory of the Pacific Islands. It is my belief that we have neglected this most important area. It is my belief also that we should go to extraordinary lengths to make sure that the inhabitants of these islands, who are few in number occupying a tremendously large area, are given every possible attention and every consideration.

It is my hope that the lack of care and consideration which has marked our jurisdiction of the Trust Territory in the Pacific Islands since we assumed control of that area at the end of World War II will be recognized and that in the future we will develop deeper, more personal, and better interests in the welfare of these people. They deserve to be treated as Americans even if they are not so considered in name.

This measure is designed to focus our attention on this long neglected responsibility. Strengthening the economic well-being of this area is only the beginning. We must do more and we shall.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-495), explaining the purposes of the measure.

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

PURPOSE

The purpose of S. 232, introduced by Senators Burdick, Metcalf, Moss, Stevens, and Bellmon, as amended, is to establish a Trust Territory of the Pacific Islands Economic Development Loan Fund to promote the development of private enterprise and private industry in the trust territory. It would bring the total economic development authorization fund to a $5 million level.

This fund would be outside the ceiling limitation imposed on the trust territory by the act of June 30, 1954, as amended.

BACKGROUND

The Trust Territory of the Pacific Islands consists of the Caroline and Marshall Islands and all of the Marianas except Guam. Though it comprises 2,100 islands scattered over a 3 million-square-mile area its total land area is only 687 square miles. It has 90,000 inhabitants. The territory is administered by the United States under a trusteeship agreement with the Security Council of the United Nations approved by the President under authority granted by the Congress on July 18, 1947 (61 Stat. 397). The terms of that agreement (61 Stat. 3301) give the United States "full powers of administration, legislation, and jurisdiction" over the former Japanese-administered territory and obligate it to (1) "foster the development of such political institutions as are suited to the Trust Territory and * * * promote the development of the inhabitants of the Trust Territory towards self-government or independence," (2) "promote the economic advancement and self-sufficiency of the inhabitants," (3) "promote the social advancement of the inhabitants, and * * * protect the health of the inhabitants," and (4) "promote the educational advancement of the inhabitants." The U.S. authority is presently vested in a High Commissioner appointed by the President.

Public Law 88-487, among other things, granted approximately $369,000, which represented the balance in a federally financed

revolving fund for loans to private trading companies in the territory, to the local government "for use as a development fund within the trust territory of the Pacific Islands." This fund, assisted by subsequent grants totaling $550,000, has undertaken an economic development program of limited proportions.

NEED

In February 1967, a comprehensive economic study of the trust territory, prepared by the internationally known economic consulting firm of Robert Nathan Associates, was submitted to the High Commissioner. This study shows that economic resources of the trust territory are limited, yet with suitable guidance and assistance the potentials that exist can be developed. At the present time most of the population is in a subsistence economy. However, at least in the district centers and on Ebeye in the Marshall Island district, this pattern is changing and there is a significant movement into a limited cash economy.

During January 1968, Senator Burdick, chairman of the Territories Subcommittee, along with Senators Metcalf and Moss, made an inspection trip through Micronesia. Aside from a new fish freezing plant in the Palau district, a large cattle ranching enterprise on Tinian and a new first-rate tourist hotel on Saipan, both in the Mariana district, the subcommittee found almost no economic development in the territory. For the most part, the people of Micronesia rely on a subsistence agricultural and fishing economy, or on government input for cash. Economic resources in Micronesia are not large, however, opportunities for development do exist in agriculture, fishing, construction, wholesale and retail trade and services, tourism and travel, and air and sea transportation. These possibilities can only be realized if capital is made available with which to develop them.

The economic consultants who recently studied the trust territory have pointed out that local private capital from savings or from present private or governmental borrowing cannot meet the total needs. Nor are prospects of obtaining outside capital investment good, in view of the uncertainty of the political future of Micronesia. Thus, there is a definite need for a revolving loan fund such as that provided in the bill.

S. 232 is patterned after S. 1763, the Guam development loan fund bill, which passed the Senate on August 30, 1967.

A bill similar to S. 232 (S. 3073) passed the Senate in 1968 but was not acted upon by the House of Representatives.

UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 485, S. 1. I do this so that the bill may be the pending business.

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

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform equitable land acquisition policies for Federal and federally assisted programs.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations, with amendments on page 2, line 6, after the word "Government", insert "(except the National Capital Housing Authority); in line 14, after the word "States," insert "the Trust Territories of the Pacific Islands,"; in line 17, after the word "means", insert "the National Capital Housing Authority,"; in line 19, after the word "and", insert "any State"; on page 3, after line 6, strike out:

(1) any person who is the owner of a business which moves from real property or is discontinued on or after the effective date of this Act prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;.

And, in lieu thereof, insert:

(1) any person who is the owner of a business, as defined by section 106 of this Act, and who, on or after the effective date prescribed in section 253(a), (A) moves or discontinues such business or an establishment of such business or (B) moves any outdoor advertising display, as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency;.

In line 23, after the word "date", strike out "of this Act" and insert "prescribed in section 253(a);".

On page 4, line 6, after the word "date", strike out "of this Act," and insert "prescribed in section 253(a),"; in line 9, after the word "agency", strike out the comma and "or which moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition by such Federal or State agency of other real property on which such family conducts a business or farm operation;" in line 16, after the word "date", strike out "of this Act," and insert "prescribed in section 253(a)"; in line 19, after the word "agency", strike out the comma and "or who moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition by such Federal or State agency or other real property on which such individual conducts a business or farm operation"; in line 24, after "(5)" insert "a nonprofit organization which moves from real property on or after the effective date prescribed in section 253 (a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part by a Federal or State agency, or,".

On page 5, in line 6, after the word "date", strike out "of this Act" and insert "prescribed in section 253(a)"; after line 16, strike out:

SEC. 106. The term "business" means any lawful activity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; (3) for the cultivation, processing, and marketing of timber; or (4) for the sale of services to the public. Such term does not include a farm operation or the activity of an investor in acquiring or holding real property for resale for gain.

And, in lieu thereof, insert:

SEC. 106. The term "business" means any lawful entity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; (3) for the cultivation, processing, and marketing of timber; (4) for the sale of services; or (5) for assisting in the sale, resale, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays. Such term does not include a farm operation or the business of an investor in acquiring or holding real property for resale for gain.

On page 7, line 6, after the word "date", strike out "of this Act" and insert "prescribed in section 253(a)"; in line 15, after the word "profit", insert "or any Indian tribe, band, or group."; on page 8, line 16, after the word "Act." insert:

Notwithstanding any other provision of this Act, any business, as defined by section 106 of this Act, which is not being displaced shall be eligible for actual moving expenses with respect to its outdoor advertising displays being moved as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency. No other payment therefor shall be made under subsections (b)–(f) of this section.

On page 9, line 5, after the word "established", strike out "by the head of the Federal agency," and insert "in accordance with the President's regulations issued under section 241 of this Act,"; in line 16, after the word "the", where it appears the first time, strike out "business or $5,000, whichever is the lesser. In", and insert "business, except that such payment shall not be less than $2,500 nor more than $5,000. Notwithstanding the preceding sentence, in"; in line 19, after the word "is", strike out sixty two" and insert "sixty"; in line 20, after the word "be", strike out "increased by" and insert "in"; in line 21, after the word "to", strike out "twice" and insert "three times"; in line 22, after the word "or", strike out "$5,000," and insert "$6,000,"; in line 23, after the word "is", strike out "the lesser", and insert "less"; on page 10, line 18, after the word "payment", strike out "in the amount of $1,000"; in line 21, after "$10,000", strike out "a" and insert "per"; in the same line, after the word "year." insert:

This payment shall be in an amount equal to the average annual net earnings of the farm operation, except that such payment shall not be less than $2,500 nor more than $5,000. Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or $6,000, whichever is less.

In line 8, after the word "longer", strike out "a viable" and insert "an"; in line 19, after the word "to", insert "a displaced person who is"; on page 12, line 5, after the word "chases", strike out "and occupies"; in line 19, after the word "property" insert "(except that this provision requiring occupation of a dwelling ninety days prior to initiation of negotiations shall not apply to a displaced person within the meaning of section 233 of this Act)." in line 22, after the word "Act).", strike out "The additional" and insert "Such"; in line 24, after the word "amount", strike out "which" and insert "which—"; at the top of page 13, insert:

(A) is necessary to make the down payment on the purchase of; or

(B)

On page 13, line 11, after the word "facilities", strike out "Such payment" and insert "A payment made pursuant to subparagraph (B) of this paragraph"; in line 14, after the word "in", strike out "a"; in the same line, after the word "housing", strike out "project"; on page 14, line 3, after the word "section", insert "or under section 231 of this Act"; after line 8, insert:

(h) The payments provided for in this section shall be made administratively by the head of the Federal agency acquiring real property, and none of the provisions of this section shall in any way affect any condemnation action or the just compensation to be determined or paid to the landowner in such action.

On page 15, line 8, after the word "include", strike out the comma and "to the maximum extent practicable,"; in line 25, after the word "displaced", strike out "business and displaced", and insert "businesses, nonprofit organizations, and"; on page 16, at the beginning of line 5, strike out "Housing Administration home acquisition program of the National Housing Acts," and insert "housing programs,"; on page 17, line 4, after the word "contribute", strike out "the first $25,000 of the cost of providing such payments and assistance to any person displaced prior to July 1, 1972." and insert "to the cost of providing such payments and assistance to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first $25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first $27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State."

On page 17, after line 13, strike out:

FUND AVAILABILITY

SEC. 214. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

On page 18, line 14, after "211(a)", insert "including actual moving expenses for moving outdoor advertising displays,"; at the beginning of line 21, strike out "and (d)(2)" and insert "(d), (e)(2), and (f)"; on page 19, line 2, after the word "available", strike out the comma and "to the extent that can reasonably be accomplished,"; in line 13, after "211", strike out "(d)" and insert "(e)"; in line 19, after "211", strike out "(d)" and insert "(e)"; on page 20, line 1, after the word "of", strike out "persons," and insert "families and individuals," at the beginning of line 17, strike out "contribute the first $25,000 of the cost of providing such payments to any person displaced prior to July 1, 1972." and insert: "contribute, to the cost of providing such payments to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first $25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first $27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State.".

On page 21, line 4, after the word "subsection", strike out "No State agency need agree to make any relocation payment in excess of $25,000 to any displaced person in order to receive the assistance authorized by this subsection."; and insert "In order to receive the assistance authorized by this subsection, no State agency need agree to make any relocation payment in excess of (1) $25,000 to a displaced person if, at the time of displacement, the person lives in a State which is continguous to at least on other State, or (2) $27,500 to a displaced person if, at the time of displacement, the person lives in a State which is not contiguous to any other State."

On page 22, after line 23, insert:

(g) The provisions of this section shall not be applicable to any situation which comes within the provisions of the first sentence of paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(8)).

On page 23, line 5, after the word "AMENDED" insert "AND TITLE I OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966".

In line 13, after the word "or" insert "as a result of carrying out a comprehensive city demonstration program under title I of"; after line 17, insert:

DISPLACEMENT BY CERTAIN OTHER PROGRAMS

SEC. 233. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves form his dwelling on or after January 1, 1969, and before the effective date prescribed in section 253(a), as the result of the contemplated demoltion of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person, for purposes of sections 211 and 212 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least 5 years prior to the effective date prescribed in section 253(a).

On page 24, line 16, after the word "of", strike out "this title," and insert "title II of this Act,"; on page 25, line 7, after the word "moving", strike out "or discontinuing"; in line 8, after the word "operation", strike out "at a price which is less than its replacement value, the amount of the difference between such price and such value" and insert "and replaces such property at the new location at a price exceeding any sum received from disposing of such property, the amount of the difference between such prices not to exceed the estimated cost of moving the property or its market value, whichever is less"; on page 26, line 4, after the word "the", insert "Federal"; on page 28, line 13, after "107", insert "(b) and (c)"; in line 24, after "Sec. 253.", strike out "This" and insert "(a) Except as provided in subsection (b), this title"; on page 29, line 2, after the word "its", strike out "enactment, except that sections 231, 232," and insert "enactment."; at the beginning of line 4, insert "(b) Sections 231, 232,"; in line 5, after "(9)", strike out "and (10)", and insert "(10), and (11)"; after line 14, insert:

FUND AVAILABILITY

SEC. 254. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

On page 30, line 17, after the word "property.", insert "A copy of the appraisel report shall be furnished the landowner."; in line 25, after the word "decrease", insert "or increase"; on page 31, line 8, after "(5)", strike out "No" and insert "Unless the head of the Federal agency determines that an emergency exists and severe or irreparable damages or injury may be caused by complying with this subsection, no"; in line 15, after "26," strike out "1961" and insert "1931"; on page 33, line 9, after the word "of", strike out "1933" and insert "1933, as amended"; in the same line, after "(48 Stat. 70", strike out the comma and "as amended"; on page 36, line 24, after the word "the" strike out "earlier." and insert "earlier, unless such pro rata portion of the taxes may be cancelled under State or local laws."; on page 39, line 22, after the word "the", strike out "earlier" and insert "earlier, unless such pro rata portion of the taxes may be cancelled under State or local laws;"; in line 25, after the word "decrease", insert "or increase"; on page 41, line 5, after the word "this", strike out the word "subsection" and insert "paragraph"; at the beginning of line 15, strike out "Sec. 323. This" and insert "Sec 323. (a) Except as provided in subsection (b), this"; in line 17, after the word "enactment", strike out the comma and "except that sections"; at the beginning of line 18, insert "(b) Sections"; in line 24, after the word "law", strike out "government" and insert "governing"; and on page 42, after line 2, insert a new title, as follows:

TITLE IV—JUDICIAL REVIEW

SEC. 401. The provisions of sections 551–553, 559, and 701–706 of title 5, United States Code, shall apply to an action of a Federal agency under titles II and III. For purposes of this title, the definition of "person" contained in section 551(2) of title 5, United States Code, shall be deemed to include a State as defined by section 102 of this Act.

SEC. 402. Any person or State adversely affected or aggrieved by a final action of a Federal agency under title II or title III of this Act may seek judicial review of such final agency action and demand appropriate relief in a judicial district of the United States as follows:

(1) if the agency action pertains to property or any interest therein acquired or being acquired by the United States, or the ownership or right of the United States to possession of property, by an action in the judicial district in which the property is situated; and

(2) in all other matters, by an action in a judicial district as provided for in section 1391(e) of title 28, United States Code.

So as to make the bill read:

S. 1

A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Land Acquisition Policies Act of 1969".

TITLE I—DEFINITIONS

As used in this Act—

FEDERAL AGENCY

SEC. 101. The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol.

STATE

SEC. 102. The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territories of the Pacific Islands, and any political subdivision thereof.

STATE AGENCY

SEC. 103. The term "State agency" means *the National Capital Housing Authority,* the District of Columbia Redevelopment Land Agency and *any State,* any public body, agency, or instrumentality of a State or of a political subdivision of a State, or any public agency or instrumentality of two or more States or of two or more political subdivisions of a State or States.

HEAD OF AGENCY

SEC. 104. The term "head of a Federal agency" or "head of a State agency" includes a duly designated delegate of such agency head.

DISPLACED PERSON

SEC. 105. The term "displaced person" means—

(1) any person who is the owner of a business, as defined by section 106 of this Act, and who, on or after the effective date prescribed in section 253(a), (A) moves or discontinues such business or an establishment of such business or (B) moves any outdoor advertising display, as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency;

(2) any person who is the operator of a farm operation which moves from real property or is discontinued on or after the effective date prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(3) any individual who is the head of a family which moves from real property occupied as a dwelling on or after the effective date prescribed in section 253(a), as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(4) any individual, not a member of a family, who moves from real property occupied as a dwelling on or after the effective date prescribed in section 253(a), as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency; or

(5) a nonprofit organization which moves from real property on or after the effective date prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part by a Federal or State agency, or, any person, not described in paragraph (1), (2), (3), or (4) of this section, who moves his personal property from real property on or after the effective date prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency. Under this paragraph, the term "displaced person" shall not include the owner of personal property on the premises of another under a lease or licensing arrangement where such owner is required pursuant to such lease or license to move such property at his own expense.

BUSINESS

SEC. 106. The term "business" means any lawfully entity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property: (3) for the cultivation, processing, and marketing of timber; (4) for the sale of services; or (5) for assisting in the sale, resale, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays. Such term does not include a farm operation or the business of an investor in acquiring or holding real property for resale for gain.

FARM OPERATION

SEC. 107. The term "farm operation" means any activity conducted solely or primarily for the production for sale or for home use, of one or more agricultural products or commodities other than timber, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

FARM OPERATOR

SEC. 108. The term "farm operator" means any owner, part owner, tenant, or sharecropper who operates a farm.

FAMILY

SEC. 109. The term "family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or guardianship.

DISPLACED

SEC. 110. The term "displaced," when used in relation to any person, means any person moved or to be moved from real property on or after the effective date prescribed in section 253(c) as a result of the acquisition or reasonable expectation of acquisition of such property for a public improvement constructed or developed by or with funds provided in whole or in part by the Federal Government.

OWNER AND PERSON

SEC. 111. The terms "owner" and "person" include any individual, or any partnership, corporation, or association, whether organized for profit or not for profit or any Indian tribe, band, or group.

REAL PROPERTY

SEC. 112. The term "real property" as used in this Act shall include land, and any interest in land, including but not limited to, easements, rights-of-way, water rights, and mineral interests.

TITLE II.—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of owners, tenants, and other persons displaced by the acquisition of real property in Federal and federally assisted programs to the end that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Such a policy shall be as uniform as practicable as to (1) relocation payments, (2) advisory assistance, (3) assurance of availability of standard housing, and (4) Federal reimbursement for relocation payments under federally assisted programs.

PART A—FEDERAL PROGRAMS

RELOCATION PAYMENTS

SEC. 211. (a) If the head of any Federal agency acquires real property for public use in a State, he shall make fair and reasonable relocation payments to displaced persons in accordance with the regulations established by the President under section 241 of this Act. Notwithstanding any other provision of this Act, any business, as defined by section 106 of this Act, which is not being displaced shall be eligible for actual moving expenses with respect to its outdoor advertising displays being moved as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency. No other payment therefore shall be made under subsections (b)–(f) of this section.

(b) Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive—

(1) a moving expense allowance, determined according to a schedule established in accordance with the President's regulations issued under section 241 of this Act, not to exceed $200; and

(2) a dislocation allowance of $100.

(c)(1) In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to any displaced person who moves or discontinues his business provided the average annual net earnings of the business are less than $10,000 per year. This payment shall be in an amount equal to the average annual net earnings of the business, except that such payment shall not be less than $2,500 nor more than $5,000. Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or $6,000, whichever is less.

(2) No payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business—

(A) cannot be relocated without a substantial loss of its existing patronage; and

(B) is not part of a commercial enterprise having at least one other establishment, not being acquired, which is engaged in the same or similar business.

(3) For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business moves from the real property acquired, and includes any compensation paid by the business to the owner, his spouse, or his dependents during such two-year period.

(d)(1) In addition to amounts otherwise authorized in this section, the head of the Federal agency shall make a payment to any displaced person who moves or discontinues a farm operation, provided the average annual net earnings of the farm operation are less than $10,000 per year. This payment shall be in an amount equal to the average annual net earnings of the farm operation, except that such payment shall not be less than $2,500 nor more than $5,000. Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or $6,000, whichever is less.

(2) In the case where the entire farm

operation is not acquired by such Federal agency, the payment authorized by this subsection shall be made only if the head of such agency determines that the property not acquired is no longer an economic unit.

(3) For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such farm operation moves from the real property acquired, and includes any compensation paid by the farm operation to the owner, his spouse, or his dependents during such two-year period.

(e)(1) In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to a displaced person who is the owner of real property which is improved by a single-, two-, or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed $5,000, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a decent, safe, and sanitary dwelling of modest standards adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment. Such payment shall be made only to a displaced owner who purchases another dwelling within one year after the date on which he is required to move from the dwelling acquired for the project.

(2) The Secretary of Housing and Urban Development shall determine the prices prevailing in the locality for dwellings meeting the requirements of paragraph (1) of this subsection for all agencies making such payments.

(f)(1) In addition to amounts otherwise authorized by this section the head of the Federal agency shall make a payment to any individual or family displaced from a dwelling and not eligible to receive a payment under subsection (e)(1) of this section, provided such dwelling was actually and lawfully occupied by such individual or family for not less than ninety days prior to the initiation of negotiations for acquisition of such property (except that this provision requiring occupation of a dwelling ninety days prior to initiation of negotiations shall not apply to a displaced person within the meaning of section 233 of this Act). Such payment, not to exceed $1,500, shall be an amount which—

(A) is necessary to make the down payment on the purchase of; or

(B) when added to 20 per centum of the income of the displaced individual or family during the two-year period immediately preceding displacement, equals the average rental required for a two-year period for a decent, safe, and sanitary dwelling of modest standards adequate in the size of accommodate the displaced individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities. A payment made pursuant to subparagraph (B) of this paragraph shall be made only to an individual or family who is unable to secure a dwelling in low-rent housing assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary of Housing and Urban Development to have the same general purposes as the Federal program under such Act, or a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965.

(2) The Secretary of Housing and Urban Development shall determine the amount of assistance under this subsection according to family size, family or individual income, average rents required, or similar consideration for all agencies making such payments.

(g) No payment received under this section or under section 231 of this Act shall be considered as income for the purposes of the Internal Revenue Code of 1954, or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

(h) The payments provided for in this section shall be made administratively by the head of the Federal agency acquiring real property, and none of the provisions of this section shall in any way affect any condemnation action or the just compensation to be determined or paid to the landowner in such action.

RELOCATION ASSISTANCE PROGRAMS

SEC. 212. (a) If the head of any Federal agency acquires real property for public use in a State, he shall provide a relocation assistance program for displaced persons which shall offer the services described in subsection (c) of this section. If the head of such agency determines that persons occupying property immediately adjacent to the real property acquired are caused substantial economic injury because of the acquisition of real property for public use, he may offer such persons relocation services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order—

(1) to determine the need, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

(2) to assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment except that the President may prescribe by regulation situations when such assurances may be waived;

(3) to assist owners of displaced businesses, nonprofit organizations, and farm operators in obtaining and becoming established in suitable locations;

(4) to supply information concerning the Federal housing programs, the small business disaster loan program under section 7(b)(3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons;

(5) to assist in minimizing hardships to displaced persons in adjusting to relocation; and

(6) to assure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

STATES FURNISHING REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE

SEC. 213. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal project to improve a locality, the Federal agency may not accept such property unless the acquiring State agency has made relocation payments, provided relocation assistance, and provided assurance of availability of housing as required in the case of acquisitions of real property by a Federal agency. The State agency shall bear the costs of relocation payments and assistance as a part of the real property acquisition cost, except that the Federal agency having authority over the project shall contribute to the cost of providing such payments and assistance to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first $25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first $27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State.

PART B—FEDERALLY ASSISTED PROGRAMS

RELOCATION PAYMENTS AND ASSISTANCE; ASSURANCE OF AVAILABILITY OF HOUSING

SEC. 231. (a) Notwithstanding any other provision of law, on and after the effective date of this section, no grant to, or contract or agreement with a State agency, under which Federal financial assistance will be available to pay all or part of the cost of (1) the acquisition of real property, (2) a public improvement for which real property is to be acquired, or (3) a program which will otherwise result in the displacement of persons may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement with the head of such Federal agency to provide to displaced persons for moves from such real property—

(1) fair and reasonable relocation payments in the same amounts and under the same terms and conditions as are required to be made by a Federal agency by section 211(a), including actual moving expenses for moving outdoor advertising displays, of this title and in accordance with regulations established by the President under section 241 of this title;

(2) relocation payments in the same amounts and under the same terms and conditions as are required to be made by a Federal agency by section 211 (b), (c), (d), (e)(2), and (f) of this title;

(3) relocation assistance programs offering the services described in section 212(c) of this title;

(4) a feasible method for the temporary relocation of families and individuals displaced from the property acquired, and assurance that within a reasonable period of time prior to displacement, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment; and

(5) a payment for owner-occupants under the same terms and conditions as are required to be made by Federal agencies by subsection 211(e)(1) of this Act, except that no such payment shall be required or included as a project cost under subsection 231(c) if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the head of the Federal agency to have substantially the same purpose and effect as subsection 211(e)(1) and to be part of the cost of the project for which Federal financial assistance is available.

(b) As a condition to further assistance to a State agency for (1) part or all of the cost of real property acquisition, (2) part or all of the cost of a public improvement for which real property is to be acquired, or (3) a program which will otherwise result in

the displacement of families and individuals, the head of the Federal agency shall require, within a reasonable time prior to actual displacement, satisfactory assurance by the State agency that decent, safe, and sanitary dwellings as required by subsection 231 (a)(4) are available for the relocation of each such individual or family.

(c) The cost to a State agency of providing the payments and services described in subsection (a) of this section may be included as part of the cost of the project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and services in the same manner and to the same extent as with respect to other project costs. Notwithstanding any other law, the Federal agency providing such assistance shall contribute, to the cost of providing such payments to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first $25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first $27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State. Any funds appropriated or otherwise available to a Federal agency for assistance to State agencies for such projects shall be available also for obligation and expenditure to carry out the provisions of this subsection. In order to receive the assistance authorized by this subsection, no State agency need agree to make any relocation payment in excess of (1) $25,000 to a displaced person if, at the time of displacement, the person lives in a State which is contiguous to at least one other State, or (2) $27,500 to a displaced person if, at the time of displacement, the person lives in a State which is not contiguous to any other State.

(d) In order to prevent unnecessary expenses and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, any agreement by a State agency under subsection (a) of this section shall provide that such agency may make relocation payments or provide relocation assistance or otherwise carry out its functions under this title by utilizing the facilities, personnel, and services of any other State agency having an established organization for conducting relocation assistance programs.

(e) Any grant to, or contract or agreement with a State agency executed before the effective date of this section, under which Federal financial assistance is available to pay the cost in connection with the acquisition of real property, or of the improvement for which such property is acquired, may be amended to include the terms and conditions required by subsection (a) of this section.

(f) If the head of a Federal agency determines that it is necessary for the expeditious completion of a public improvement for which a State agency has entered into agreement, as described in subsection (a) of this section, to make relocation payments to displaced persons, or to provide the funds necessary to meet the requirements of section 321(b)(1) of this Act, he may advance to the State agency the Federal share of such relocation payments and an amount necessary to make the required payments under section 321(b)(1). Upon determination by the head of such Federal agency that any part of the funds advanced to a State agency under this subsection are no longer required, the amount which he determines not to be required shall be repaid upon demand. Any sum advanced and not repaid on demand shall be deducted from sums otherwise available to such State agency from Federal sources.

(g) The provisions of this section shall not be applicable to any situation which comes within the provisions of the first sentence of paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415 (8)).

DISPLACEMENT BY CERTAIN PROGRAMS RECEIVING ASSISTANCE UNDER TITLE I OF THE HOUSING ACT OF 1949, AS AMENDED, AND TITLE I OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966

SEC. 232. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to be a displaced person.

DISPLACEMENT BY CERTAIN OTHER PROGRAMS

SEC. 233. Notwithstanding any other provisions of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the effective date prescribed in section 253(a), as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person, for purposes of sections 221 and 212 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least 5 years prior to the effective date prescribed in section 253(a).

PART C—AUTHORITY OF THE PRESIDENT

SEC. 241. (a) To carry out the provisions of title II of this Act, the President is authorized to make such rules and regulations as he may determine to be necessary to assure—

(1) that relocation payments authorized by section 211 shall be fair and reasonable and as uniform as practicable;

(2) that a displaced person entitled to a relocation payment under section 211(a) shall be reimbursed for or paid—

(A) his reasonable and necessary expenses in moving himself, his family, his business, farm operation, or other personal property, and for his reasonable and necessary expenses in searching for a replacement property;

(B) if he disposes of personal property on moving his business or farm operation and replaces such property at the new location at a price exceeding any sum received from disposing of such property, the amount of the difference between such prices not to exceed the estimated cost of moving the property or its market value, whichever is less; and

(C) such other expenses authorized by section 211(a) as may be provided for in regulations issued under this section;

(3) that a displaced person who makes proper application for a relocation payment authorized for such person by this title shall be paid promptly after a move or, in certain hardship cases, the President may, by regulation, authorize advance payment of certain relocation costs;

(4) that any person aggrieved by a determination as to eligibility for a relocation payment authorized by this title, or the amount of a payment, may have his application reviewed by the head of the Federal agency; and

(5) that a displaced person shall have a reasonable time in which to apply for a relocation payment authorized by this title.

(b) The President may, by regulation, establish a limitation on the amount of a relocation payment authorized by section 211 (a) with due consideration for the declaration of policy of this title and the provisions of subsection (a) of this section and section 231(c).

(c) In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the President is authorized to require that any Federal agency make relocation payments or provide relocation services, or otherwise carry out its functions under this title, by utilizing the facilites, personnel, and servces of any other Federal agency, or by entering into appropriate contracts or agreements with any State agency having an established organization for conducting relocation assistance programs.

(d) The President may make such other rules and regulations consistent with the provisiosn of this title as he deems necessary or appropriate to carry out this title.

PART D—GENERAL PROVISIONS

SEVERABILITY

SEC. 251. If any provision of this title, or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of the provision to other persons or circumstances shall not be affected thereby.

REPEALER

SEC. 252. (a) The following laws and parts of laws are hereby repealed:

(1) the Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231–1234);

(2) paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473);

(3) section 2680 of title 10, United States Code;

(4) section 133 of title 23, United States Code;

(5) section 7(b) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1606(b));

(6) section 105(c) of the Housing Act of 1949 (42 U.S.C. 1455(c));

(7) section 114 of the Housing Act of 1949 (42 U.S.C. 1465);

(8) paragraph (7)(b)(iii) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(7)(b)(iii));

(9) paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(8)), except the first sentence of such paragraph;

(10) section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074);

(11) section 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307);

(12) chapter 5 of title 23, United States Code; and

(13) sections 32 and 33 of the Federal Aid Highway Act of 1968 (Public Law 90–495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

EFFECTIVE DATE

SEC. 253. (a) Except as provided in subsection (b), this title and the amendments made by this title shall become effective one

hundred and eighty days after the date of its enactment.

(b) Sections 231, 232, and 252 (a) (4), (5), (6), (7), (8), (9), (10), and (11) shall take effect on July 1, 1971, except that commencing one hundred and eighty days after enactment, the provisions of sections 231 and 232 shall be applicable with respect to any grant to or contract or agreement with a State agency to the extent it is able under its laws to comply with such sections and the provisions of Federal law governing relocation payments and assistance otherwise applicable to grants to or contracts or agreements with such agency shall be superseded by this title.

FUND AVAILABILITY

SEC. 254. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

TITLE III—UNIFORM LAND ACQUISITION POLICY

PART A—FEDERAL PROGRAMS

UNIFORM POLICY ON LAND ACQUISITION PRACTICES

SEC. 301. (a) In order to encourage the acquisition of real property by amicable agreements with owners, to relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall be governed by the following policies:

(1) The head of a Federal agency shall conduct transactions for the acquisition of real property in such a manner as to assure to the extent possible that persons whose property is acquired shall not be worse off economically than they were before the property was acquired.

(2) The head of a Federal agency shall make every reasonable effort to acquire real property by negotiated purchase.

(3) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property. A copy of the appraisal report shall be furnished the landowner.

(4) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation, such amount not to be less than the appraised value of the property as approved by such agency head, and shall make a prompt offer to acquire the property for the full amount so established. Any decrease or increase in the value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for the proposed public improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.

(5) Unless the head of the Federal agency determines that an emergency exists and severe or irreparable damages or injury may be caused by complying with this subsection, no owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner an amount not less than the appraised fair value of such property as determined by such agency head, or the amount of the award of compensation in the condemnation proceeding for such property.

(6) The construction or development of public improvements shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying the real property shall be required to move from his home, farm, or business location without at least ninety days' written notice from the head of the Federal agency concerned.

(7) If the head of the Federal agency concerned does not require a building, structure, or other improvement acquired as a part of the real property, he shall, where practicable, offer to permit its owner to remove it. As a condition of removal, an appropriate agreement shall be required whereby the fair value of such building, structure, or improvement for removal from the real property, as determined by such agency head, will be deducted from the compensation otherwise to be paid for the real property, however such compensation may be determined.

(8) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(9) In no event shall the head of a Federal agency either advance the time of condemnation, or defer the condemnation and the deposit of funds in court for the use of the owner, in order to compel an agreement on the price to be paid for the property. If any agency head cannot reach an agreement with the owner, after negotiations have continued for a reasonable time, he shall promptly institute condemnation proceedings and, at the same time or as soon thereafter as practicable, file a declaration of taking and deposit funds with the court in accordance with the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), if possession is required prior to the entry of the judgment in the condemnation proceeding.

(10) If an interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall, except as to property to be acquired under section 25 of the Tennessee Valley Authority Act of 1933, as amended (48 Stat. 70; 16 U.S.C. 831x), require the Attorney General to institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property.

(11) If only a portion of a parcel of real property is to be acquired, thereby leaving the unacquired portion without economic use, the head of the Federal agency concerned shall offer to acquire the entire property.

(12) In determining the boundaries of a proposed public improvement, the head of the Federal agency concerned shall take into account human considerations, including the economic and social effects of such determination on the owners and tenants of real property in the area, in addition to engineering and other factors.

(b) The provisions of this section shall not affect the validity of any property acquisitions by purchase or condemnation.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provisions of law, if the head of a Federal agency acquires land or any interest in land for public use in a State, he shall acquire a like interest, or greater interest, in all buildings, structures, or other improvements on the land so acquired which are required to be removed from the land or which, in the opinion of such agency head, will be adversely affected by such public use, if such improvements are not required to be removed.

(b) As used in this section, the term "real property" means land, or any interest in land, and (1) any building, structure, or other improvement imbedded in or affixed to land, and any article so affixed or attached to such building, structure, or improvement as to be an essential and integral part thereof; (2) any article affixed or attached to such real property in such manner that it cannot be removed without material injury to itself or the real property; and (3) any article so designed, constructed, or specially adapted for the purpose for which such real property is used that (A) it is an essential accessory or part of such real property, (B) it is not capable of use elsewhere, and (C) it would lose substantially all its value if removed from the real property.

(c) (1) For the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building, structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the head of the Federal agency shall pay to the tenant the fair value of the building, structure, or improvement, which fair value shall be determined by such agency head as the greatest of (A) the contributive value of the improvement to the present use of the entirety, (B) the current cost of replacement less depreciation of the improvement, or (C) the value of the improvement for removal from the property.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the fee owner of the land involved disclaims any interest in the improvements of the lessee. In consideration for any such payment, the lessee shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. No provision of this subsection shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner for necessary and reasonable expenses incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property;

(2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the authorized Federal agency; and

(3) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title in the United States or the effective date of a court order of possession, whichever is the earlier, unless such pro rata portion of the taxes may be cancelled under State or local laws.

PART B—FEDERALLY ASSISTED PROGRAMS

REQUIREMENTS FOR APPROVAL OF CONTRACTS OR AGREEMENTS FOR FEDERAL ASSISTANCE

SEC. 321. (a) Notwithstanding any other provision of law, on and after the date of enactment of this section no grant to or contract or agreement with a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property or of

a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement which shall provide—

(1) that every reasonable effort shall be made to acquire the real property by negotiated purchase;

(2) that the construction or development of the public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying the real property shall be required to move from his home, farm, or business location without at least ninety days' written notice from such State agency; and

(3) that it shall be the policy of the head of the State agency, before initiating negotiations for real property, to establish an amount which he believes to be just compensation, under the laws of the State, such amount not to be less than the appraised value of the property as approved by such State agency head, and to make a prompt offer to acquire the property for the full amount so established.

(b) Notwithstanding any other provision of law, no grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property, or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance, unless such State agency has entered into the agreements described in subsection (a) of this section and has also agreed—

(1) that no owner will be required to surrender possession of real property before the head of the State agency (A) pays the agreed purchase price, (B) makes available to the owner, by court deposit or otherwise, an amount not less than the appraised fair value of such property, as approved by such State agency head, without prejudice to the right of the owner to contest the amount of compensation due for the property, or (C) deposits or pays the final award of compensation in the condemnation proceeding for such property;

(2) that the head of the State agency, as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner for necessary and reasonable expenses incurred for—

(A) recording fees, transfer taxes, and similar expenses incidental to conveying such real property;

(B) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the State agency; and

(C) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title in the State or the effective date of a court order of possession, whichever is the earlier, unless such pro rata portion of the taxes may be canceled under State or local laws;

(3) that any decrease or increase in the value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for the proposed public improvements, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property; and

(4) that for the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building structure, or improvement at the expiration of his term, and the head of the State agency shall pay to the tenant the fair value of the building, structure, or improvement, which fair value shall be determined by such agency head as the greatest of (1) the contributive value of the improvement to the present use of the entirety, (2) the current cost of reproduction less depreciation of the improvement, or (3) the value of the improvement for removal from the property, except that (1) payment hereunder will not result in duplication of any payments otherwise authorized by law; (2) the fee owner of the land involved disclaims any interest in the improvements of the lessee; and (3) the lessee in consideration for such payment shall assign, transfer, and release to the State agency all his right, title, and interest in and to such improvements. No provision of this paragraph shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

PROVISIONS REPEALED

SEC. 322. Sections 401, 402 and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3073) and section 35 of the Federal Aid Highway Act of 1968 (Public Law 90–495) are hereby repealed.

EFFECTIVE DATE

SEC. 323. (a) Except as provided in subsection (b), this title shall become effective one hundred and eighty days after enactment.

(b) Sections 321 (b) and 322 shall take effect on July 1, 1971, except that commencing one hundred and eighty days after enactment, the provisions of section 321 (b) shall be applicable with respect to any grant to or contract or agreement with a State agency to the extent it is able under its laws to comply with such sections and the provisions of Federal law governing acquisition of real property otherwise applicable to grants to or contracts or agreements with such agency shall be superseded by this title.

TITLE IV—JUDICIAL REVIEW

SEC. 401. The provisions of sections 551–553, 559, and 701–706 of title 5, United States Code, shall apply to an action of a Federal agency under titles II and III. For purpose of this title, the definition of "person" contained in section 551(2) of title 5, United States Code, shall be deemed to include a State as defined by section 102 of this Act.

SEC. 402. Any person or State adversely affected or aggrieved by a final action of a Federal agency under title II or title III of this Act may seek judicial review of such final agency action and demand appropriate relief in a judicial district of the United States as follows:

(1) if the agency action pertains to property or any interest therein acquired or being acquired by the United States, or the ownership or right of the United States to possession of property, by an action in the judicial district in which the property is situated; and

(2) in all other matters, by an action in a judicial district as provided for in section 1391(e) of title 28, United States Code.

Mr. MANSFIELD. Mr. President, no further action will be taken this afternoon. There will be no further votes, but if Senators wish to enlighten the Senate, there is plenty of time at their disposal.

ORDER FOR ADJOURNMENT TO MONDAY, OCTOBER 27, 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian Monday next.

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

ADJOURNMENT TO MONDAY, OCTOBER 27, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 22 minutes p.m.) the Senate adjourned until Monday, October 27, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 23, 1969:

U.S. DISTRICT JUDGE

Philip C. Wilkins of California to be U.S. district judge for the eastern district of California vice Sherrill Halbert, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 23, 1969:

DEPARTMENT OF COMMERCE

Harold C. Passer, of New York, to be an Assistant Secretary of Commerce.

FEDERAL POWER COMMISSION

Albert Bushong Brooke, Jr., of Maryland, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1974.

FEDERAL MARITIME COMMISSION

James V. Day, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 1974.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be captains

Jack E. Guth
Robert E. Williams
Robert C. Munson
Gerald E. Haraden

To be lieutenant

Robert D. Hickson, Jr.